

# City Council Work Session Agenda

Monday October 26, 2015  
4 p.m. City Council Chambers

## 1. **Purchase, Sale and Development Agreement with Dillion Station, LLC**

This item appeared on the October 20, 2015 consent agenda and without objection was referred to this work session.

Staff Resource: Jim Greene, Assistant City Manager

Pursuant to N.C.G.S. Section 143-128.1C, on July 21, 2015 the City Council declared a critical need for public parking in the warehouse district and authorized staff to advertise a Request for Qualifications (RFQ) for participation by private partners to enter into a public-private partnership to address the critical need. On August 4, 2015, the Council authorized staff to negotiate terms with FCP/Kane Realty based on the response to the RFQ. On October 7, 2015 City Council conducted a public hearing as required by statute to receive comment on proposed terms for a public-private partnership between the City and the joint venture partnership among affiliates of Kane Realty Corporation and Federal Capital Partners (FCP/Kane) for the construction and operation of a parking deck in the Warehouse District to meet, in part, the critical need for public parking related to Raleigh Union Station and other development in the warehouse district. Terms of the agreement include FCP/Kane meeting code parking requirements for the mixed use project within their portion of the parking deck; the City purchase of a condominium unit consisting of up to 350 spaces (250 minimum) at a total cost not to exceed \$32,500 per space; 100 parking spaces to be initially designated for short-term, hourly parking and up to 75 spaces designated for Raleigh Union Station; and parking fees for the deck to be set at market rates as the deck will be privately managed and operated. Two budget amendments totaling \$11.375 million are required to appropriate funding to support the City's participation in the project. Source of funding for the initial payment of up to \$3.5 million is reserve funding within the Parking Enterprise Fund; the balance of the obligation, estimated at \$7.9 million, would be provided from future bond proceeds anticipated for issue in 2017. It is anticipated that net parking revenues from deck operations will provide the major resource to fund debt service requirements.

**Recommendation:** Authorize the City Manager to execute the Purchase, Sale and Development Agreement with Dillion Station, LLC, subject to negotiation of final terms acceptable to the City Manager and the City Attorney. Authorize budget amendments in the amount of \$11.375 million as detailed in the agenda backup memorandum from the October 20 regular council meeting.

**2. UDO Remapping – Large Area Public Comment Review**

Staff will introduce UDO zoning map public comments for one large area: Dresser Court. The commentor asks for more restrictive zoning for this area. If the City Council wishes to proceed and respond to the comments, staff will provide direct mailed notice to all property owners affected by the change to the zoning map.

Staff will present a range of options, with the intention of receiving direction from City Council on each item.

**3. UDO Remapping – Specific Property Public Comment Review**

This part of the work session will be focused on a number of individual property comments that ask for a **less restrictive** zoning district for individual properties. These requests could be reviewed by the Planning Commission. An additional City Council public hearing would be required.

Staff will present a range of options, with the intention of receiving direction from City Council on the item.

**4. CLOSED SESSION**

*Index of attachments:*

*The following attachments are included for information.*

**a. UDO Remapping Staff Report**

*Planning staff has assembled a staff report that contains items for City Council consideration. A decision option matrix is included.*

**b. Memo regarding Vehicle Fuel Sales in the Urban Watershed Protection Overlay District**

**c. Related Comments**

*Planning staff has assembled comments related to the items for discussion.*

## City Council Work Session – 26 October 2015

### Z-27B-14/Citywide Remapping

During the July 7<sup>th</sup> and July 21<sup>st</sup> public hearings, City Council received a number of comments regarding the UDO zoning map. Staff has processed these comments, and will present the City Council with options to address the comments.

This report includes:

- 1 Public Hearing comments requesting **MORE** restrictive zoning related to 1 large area (Dresser Court)
- 10 Public Hearing comments requesting **LESS** restrictive zoning
- 2 items last discussed at the September 14 work session

Each request for alternate zoning is formatted as shown here:

#### Location

Current	Current Part 10 zoning
Public Hearing	Zoning advertised as part of public hearing notification
Alternative	One or more options for Council consideration
Future Land Use	Future Land Use Map designation from the 2030 Comprehensive Plan
Urban Form	Urban Form Map designation, if any

Map of public hearing  
advertised zoning

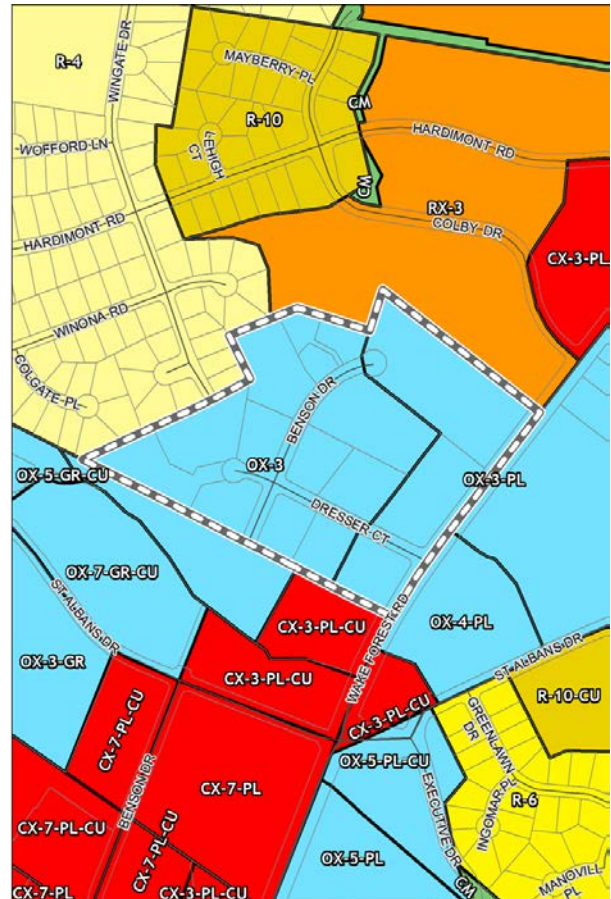
## A. Large Area Request

The City Council received comments at the public hearing related to large areas of the City. In this instance, the commentor requested more restrictive zoning on an area-wide basis. The question before the City Council is whether or not a change to the proposed zoning should be considered, and if so what alternate zoning is preferable. If the City Council agrees that the request has merit, staff recommends additional direct-mail notification to impacted property owners and discussion at a future work session.

### Dresser Court & Benson Drive

Current	O&I-3
Public Hearing	OX-3
Alternative	Text Change

Future Land Use	Office & Residential Mixed Use
Urban Form	Transit Emphasis Corridor



#### 54. Dresser Court and Benson Drive

The property is currently developed as an office park and zoned Office & Institutional-3 (O&I-3). The area contains a mixture of one- and two-story office buildings. There is a 100-foot landscaped buffer at the north edge of the property adjacent to the residential subdivision. The commentor expressed concern over the ability for the office buildings to redevelop to three story buildings. The O&I-3 district limits the maximum building height to 25 feet. The proposed zoning would allow construction up to 3 stories and 50 feet. Also of note is an existing land use agreement (Book 2182 Page 215-223) for about 24 acres in the Dresser Court area that would not be invalidated by rezoning (included at end of this report for reference). The agreement establishes a

natural buffer along the northwest boundary, prohibits connection of Wingate Drive to Dresser Court, and requires construction of a storm drain system.

The most restrictive height designation in the UDO is 3 stories and 50 feet. To address this comment, a new height district would need to be created with a maximum height of two stories. This would require a text change to the Unified Development Ordinance.

Planning Commission discussed this same request during their review and chose to take no action on the request.

### ***B. Requests for LESS Restrictive Zoning***

Since these requests are all less restrictive zoning than what was advertised for the July 7 & 21 Public Hearing, the question before Council related to these items is whether or not to refer them back to the Planning Commission for review and recommendation. New notification will be required for Planning Commission review, and depending on the Commission's recommendation a new Public Hearing and corresponding notification may be required.

## 509 Pylon Dr.

Current	IND-2 w/SRPOD
Public Hearing	IX-3 w/SRPOD
Alternative	IH w/SRPOD

Future Land Use	Community Mixed Use
Urban Form	Transit-Oriented District; Transit Stop Buffer



### 55. 509 Pylon Drive

The property owner requests less restrictive zoning of Heavy Industrial (IH-) to allow continued use of the property for the permitted and established use of vehicle repair (commercial), and therefore the proposed IX zoning will not render the use nonconforming.. This use is an allowed use in the Industrial Mixed Use (IX-) district advertised for Public Hearing. This alternative would create no new nonconformity, however it would result in a potential pattern of spot zoning.

## 4661 Paragon Park Rd.

Current	IND-1
Public Hearing	IX-3
Alternative	IH

Future Land Use	Business & Commercial Services
Urban Form	N/A



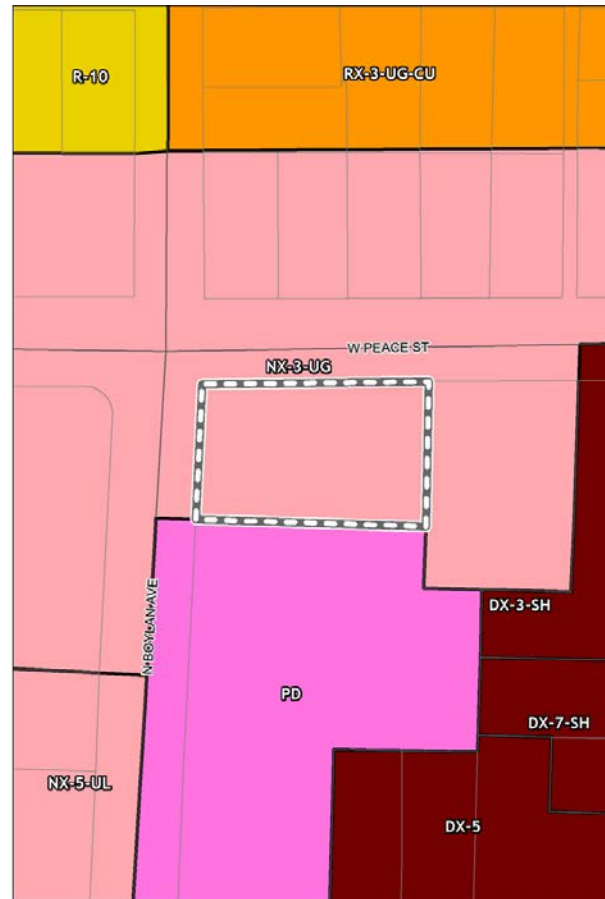
### 56. 4661 Paragon Park Road

The property owner requests less restrictive zoning to allow continue use of the property for an established, but unidentified use. Staff has been unsuccessful in contacting the commentor by phone or email, to better understand the nature of the request. The building contains no exterior signage to indicate the nature of the business. The aerial photographs show a number of commercial trucks in the rear yard behind a chain link fence. The commentor was notified by post of the October 26 work session.

## 615 W. Peace St.

Current	NB w/PBOD
Public Hearing	NX-3-UG
Alternative	NX-4-UG

Future Land Use	Neighborhood Mixed Use
Urban Form	Downtown; Main Street; Transit Stop Buffer



### 57. 615 W. Peace Street

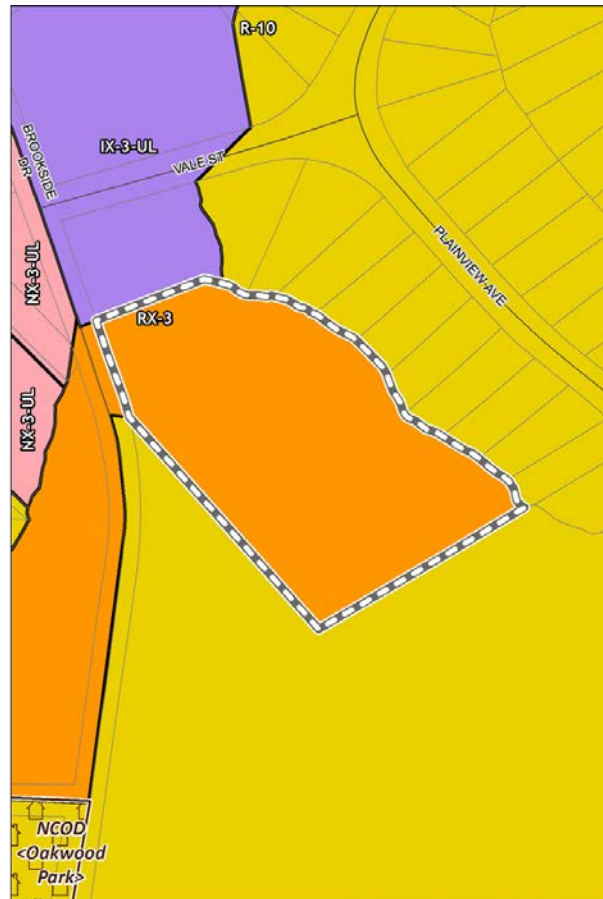
The property owner requests less restrictive zoning (greater height designation) for zoning consistency with a site plan approved in 2008, but since expired. The Alternative would not create any new nonconformity, but would create a potential pattern of spot zoning. The recommended zoning for this property limits building height to 3 stories and 50 feet; the Peace Streetscape and Parking Plan identifies this site for a maximum height of 50 feet.



## 1408 Brookside Dr.

Current	O&I-1
Public Hearing	RX-3
Alternative	OX-3

Future Land Use	Medium Density Residential
Urban Form	City Growth Center



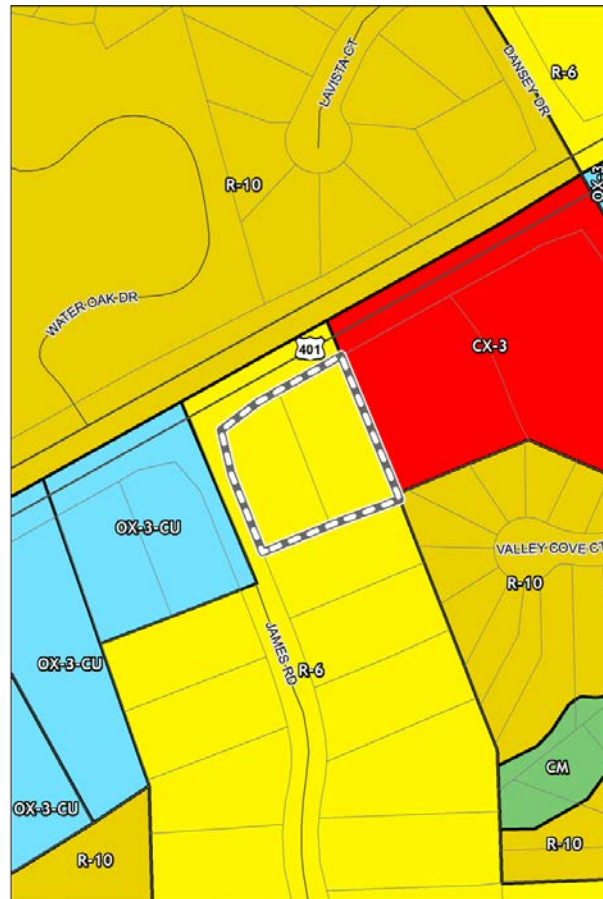
### 58. 1408 Brookside Drive

The property owner requests less restrictive zoning of OX- to preserve the allowed, but currently not yet established office uses. The property is currently zoned O&I-1 and developed as multifamily housing. The garden apartments located onsite were constructed in 1986. The Alternative would not create any new nonconformity and it would create no new potential pattern of spot zoning.

## 4428 James Rd.

Current	R-6 w/SHOD-4
Public Hearing	R-6
Alternative 1	OX-3
Alternative 2	CX-3
Alternative 3	NX-3

Future Land Use	Neighborhood Mixed Use
Urban Form	Parkway Corridor



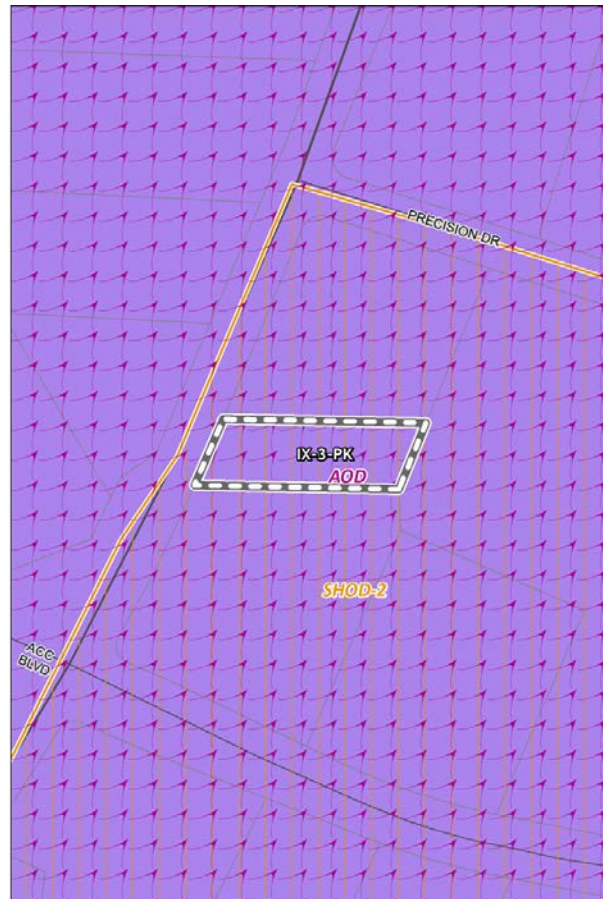
### 59. 4428 James Road

The property owner requests less restrictive zoning for his property and his neighbor's for consistency with adjacent properties with frontage on Louisburg Road. The properties are currently zoned R-6 and each contain a single-family structure. These properties were included in the citywide remapping effort, and therefore advertised for rezoning at the time of Public Hearing to remove the Special Highway Overlay District-4 (SHOD-4) zoning. Zoning the properties to a mixed use zoning district would not create any use-based nonconformity. Alternatives 1 and 2 would not result in any potential pattern of spot zoning. Alternative 3 would result in a potential pattern of spot zoning.

## 6321 Mt. Herman Rd.

Current	TD w/AOD & SHOD-2
Public Hearing	IX-3-PK w/AOD & SHOD-2
Alternative	R-2

Future Land Use	Business & Commercial Services
Urban Form	City Growth Center



### 60. 6321 Mt. Herman Road

The property owner requests different zoning to allow residential use of the property. The currently established residential use is nonconforming; residential use is prohibited in the Airport Overlay District (AOD). The Airport Overlay District was applied in 1985; it is possible that this single-family residence predates the application of the zoning overlay. Additionally, the property is zoned Thoroughfare District, which does not permit residential uses on lots or developments of less than 10 acres in size.

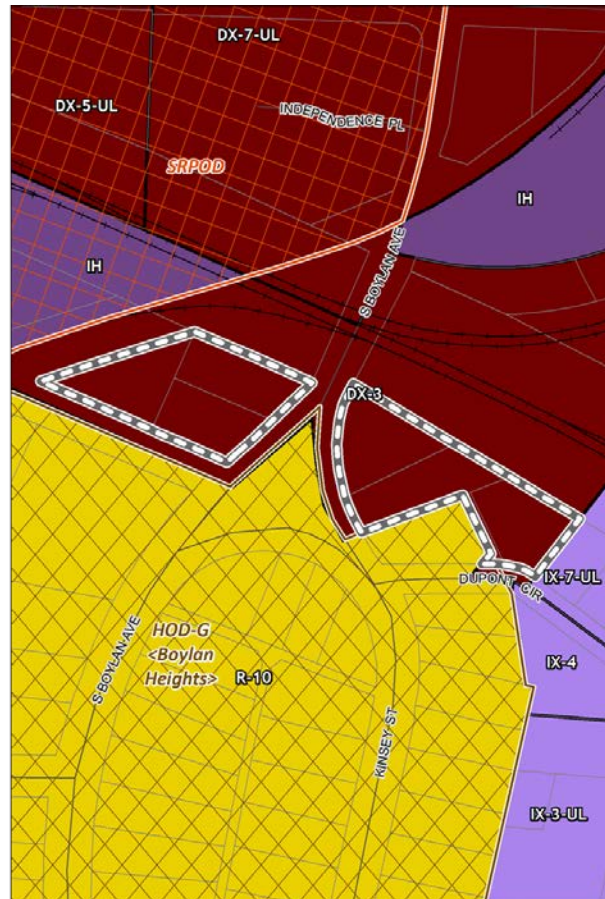
The UDO zoning map would rezone this property (and surrounding properties) to IX-3-PK. The Airport Overlay District would be retained. The new UDO district and overlay district do not permit residential uses.

The Public Hearing advertised zoning would neither exacerbate nor resolve the existing legal nonconformity. The Alternative would resolve the existing nonconformity, but would result in a potential pattern of spot zoning and would violate adopted policies regarding the Airport Overlay District.. The property can continue the non-conforming use indefinitely; however, the use cannot increase in size. Ordinary maintenance and repair can occur without penalty or restriction.

706 Mountford St; 234 & 236 S.  
Boylan Ave; 301 & 303 Kinsey St;  
300 Dupont Cir

Current	IND-2 & NB
Public Hearing	DX-3
Alternative	IX-

Future Land Use	Office & Residential Mixed Use
Urban Form	Downtown; Transit Stop Buffer



**61. 706 Mountford Street, 234 & 236 S. Boylan Avenue, 301 & 303 Kinsey Street, 300 Dupont Circle**

The commentor requests less restrictive zoning to allow continued use of the area by creative makers. Several commercial buildings are located on the parcels. Public Hearing advertised zoning for this area was DX based on guidance from the West Gateway Area Plan. The Alternative would neither create any new nonconformity, nor would it create a potential pattern of spot zoning.

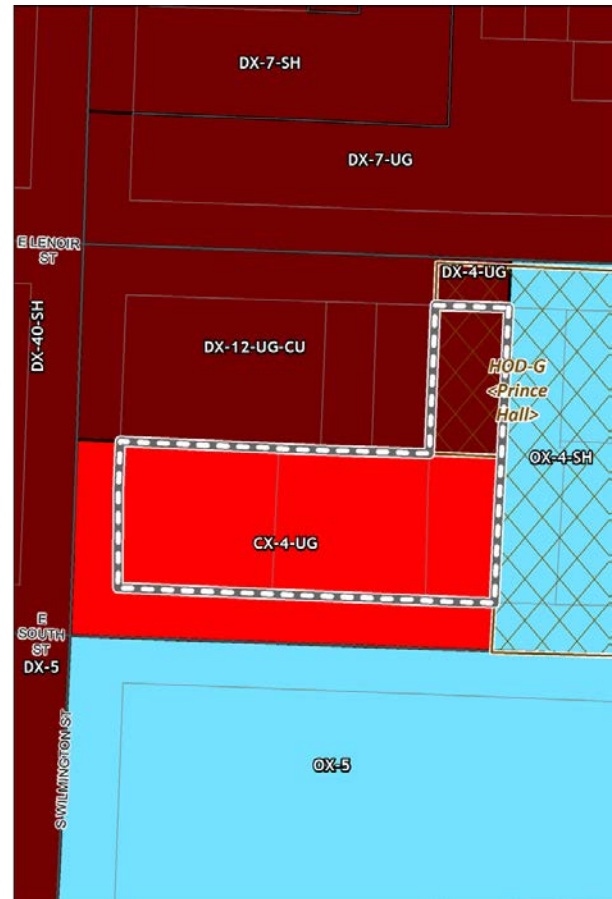
One of these parcels was discussed by Planning Commission during their review. The property owner of 300 Dupont Circle requested DX zoning instead of IX zoning. The Planning Commission recommended DX zoning here in response to the comment from the owner.



## 101, 111 & 117 E. South St.; 118 E. Lenoir St.

Current	NB w/DOD, part HOD-G
Public Hearing	CX-4-UG & DX-4-UG w/HOD-G
Alternative	CX-4

Future Land Use	Central Business District
Urban Form	Downtown



### 62. 101, 11, and 117 E. South Street; 118 E. Lenoir Street

The property owner requests less restrictive zoning, specifically the removal of the proposed UG frontage. This property is located at the corner of the S Wilmington and E Lenoir Streets, and is occupied by a McDonalds. The Public Hearing advertised zoning for this property was CX- to maintain an allowance for the existing drive-thru facility. Location in the Downtown and frontage on a Primary or Secondary Retail Street indicate that an urban frontage is appropriate per adopted city policy.

The owner is concerned that application of –UG frontage will constrain renovation, expansion, and/or rebuilding. The City is currently considering a text change that would allow an expansion of a pre-existing building that does not meet the frontage standards. This text change would not permit complete demolition and reconstruction, except in conformance with the frontage standards.

Staff met with the property owner and site designer to discuss options for site redevelopment. The property owner indicated a strong desire to completely redevelop the property with another fast food restaurant.

If the City Council would like to address the comment and permit reconstruction of another fast food restaurant that does not meet the frontage standards, the frontage could be removed.

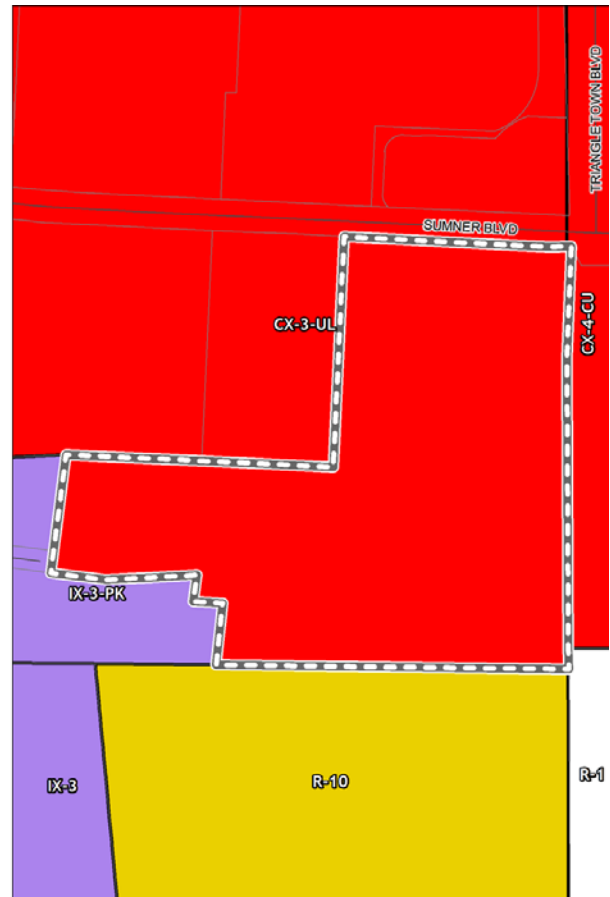
The Alternative would not create any new nonconformity, however it would result in a potential pattern of spot zoning.

The property owner commented in favor of the proposed base zoning during the Public Comment period.

## 3900 Sumner Blvd.

Current	TD
Public Hearing	CX-3-UL
Alternative	CX-4

Future Land Use	Community Mixed Use; Medium Density Residential; Public Parks & Open Space
Urban Form	City Growth Center; Urban Thoroughfare



### 63. 3900 Sumner Boulevard

The property owner requests less restrictive zoning to remove the frontage designation and allow greater building height on the site. The property is currently vacant and wooded. The Alternative would neither create any new nonconformity, nor result in a potential pattern of spot zoning.

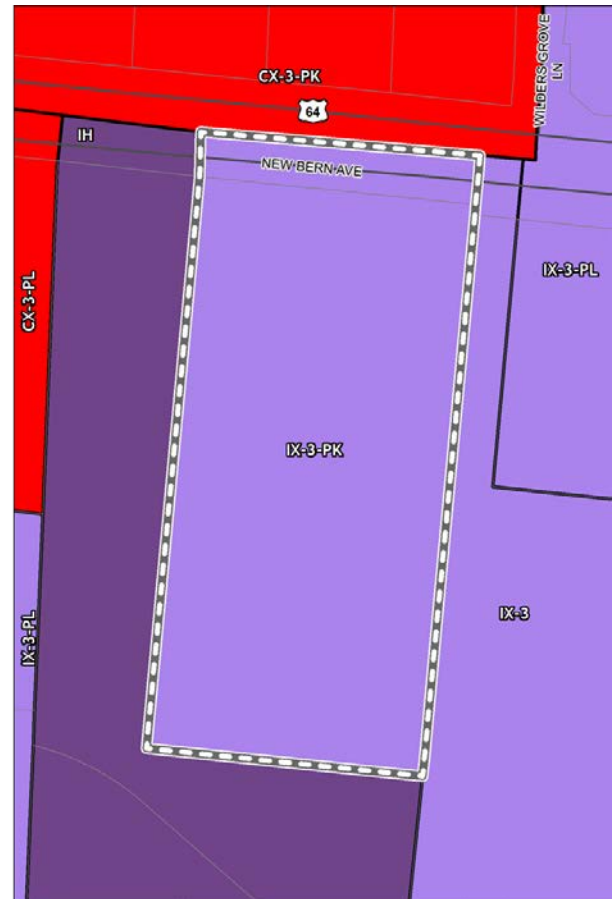
The owner is concerned that application of –UL frontage will constrain development. This concern is addressed by provisions in a pending text change, TC-4-15/Development Standards and Nonconformities. The adoption of the text change would allow for expansions of preexisting buildings that fail to meet Frontage requirements under certain circumstances. The text change has been recommended by the Planning Commission and Comprehensive Planning Committee for approval and will be reviewed by the Council on November 3.

This same request was discussed by Planning Commission during their review.

## 4208 New Bern Ave.

Current	IND-1 w/SHOD-3
Public Hearing	IX-3-PK
Alternative	IX-3-PL

Future Land Use	Business & Commercial Services
Urban Form	Mixed-Use Center; Transit Emphasis Corridor



### 64. 4208 New Bern Avenue

The property owner requests less restrictive zoning to change the frontage designation from the property. The Alternative would neither create any new nonconformity nor result in a potential pattern of spot zoning.

This specific request is different from other requests related to application of a frontage. While the proposed text change would address many concerns voiced at the public hearing, it would not address this specific concern. The property would receive the Parkway frontage, which requires a 50-foot planted street yard. The Parkway frontage is intended to replace the yard requirement of the SHOD-3.

These specific properties have a narrow landscaped yard adjacent to New Bern Avenue; however the area is devoid of trees. The application of the Parkway frontage would require this area to be widened and planted with trees if a site plan for improvements to the site was submitted.



## 900 & 904 Coleman St

Current	R-20
Public Hearing	R-10
Alternative	RX-3

Future Land Use	Moderate Density Residential
Urban Form	N/A



### 65. 900 & 904 Coleman Street

The property owner requests less restrictive zoning to preserve allowed density. The parcels are currently undeveloped. Public Hearing advertised zoning reflects the parcels' inclusion in the Olde East Raleigh Area Plan in the 2030 Comprehensive Plan. They are located in the "Single Family Zone." Relevant area plan actions and policies include:

- Policy AP-OER 2 Olde East Raleigh Infill  
Infill residential development in Olde East Raleigh should reflect the existing historic building types in the study area.
- Policy AP-OER 7 Olde East Raleigh Infill Character  
New single-family residential infill development in Olde East Raleigh should reflect the existing National Register of Historic Places historic building types in the study area.
- Policy AP-OER 10 Hunter-Ligon Area Property south of Hunter Elementary School and east of Ligon Middle School should develop with increased lot sizes and home sizes whenever possible.

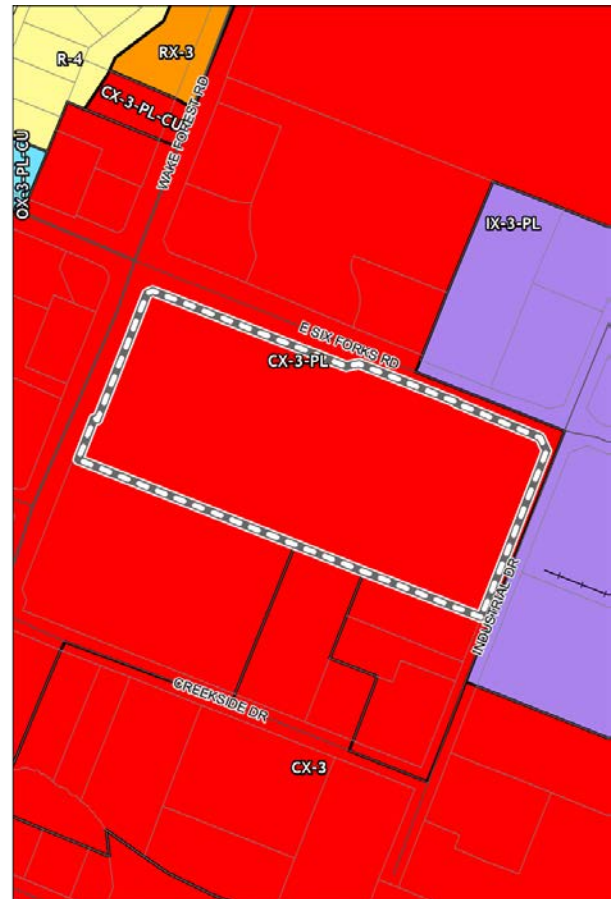
- Action AP-OER 4 Olde East Raleigh Rezoning  
Rezone property in Olde East Raleigh to achieve the land uses as outlined in this Plan. Until such time as the property is rezoned to the recommended land use, the existing zoning shall prevail.

The Alternative would not create any new nonconformity, nor would it result in a potential pattern of spot zoning.

## 2838 Wake Forest Rd (Costco)

Current	IND-1
Public Hearing	CX-3-PL
Alternative	CX-3

Future Land Use	Community Mixed Use
Urban Form	City Growth Center; Urban Thoroughfare; Transit Emphasis Corridor; Transit Stop Buffer



### 66. 2838 Wake Forest Road

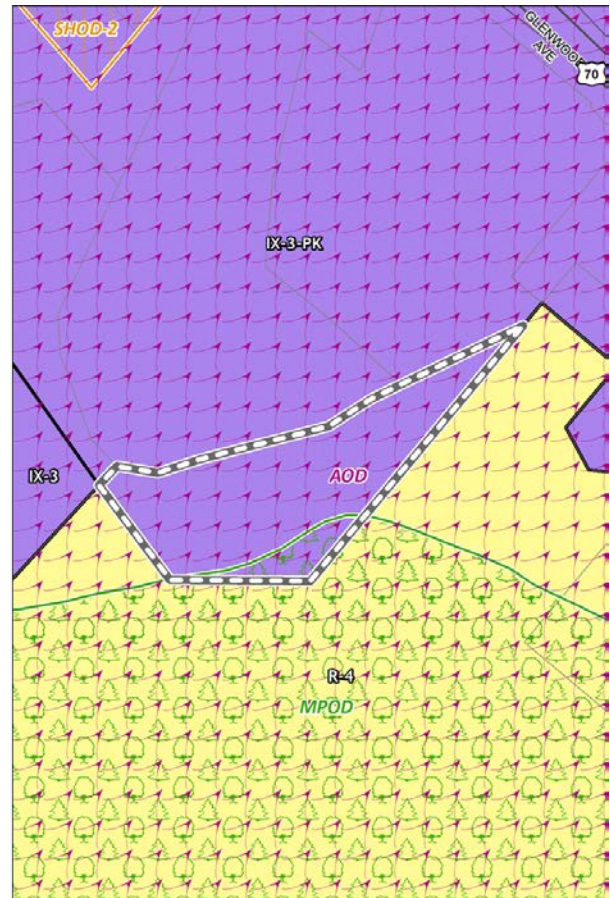
The property owner requests less restrictive zoning to remove the frontage designation. The specific concern is that the application of frontage would prohibit expansion of canopy and vehicle fueling pump area located between the building on the site and the street. Since the canopy and fueling pumps do not satisfy the Unified Development Ordinance definition of a building, these facilities would not be subject to the regulations of frontage. The Alternative would not create any new nonconformity, but it would create a potential pattern of spot zoning. This parcel and those adjacent were advertised for Public Hearing with Parking Limited frontage in recognition of their location in a City Growth Center and Transit stop buffer, as well as frontage on Urban Thoroughfare and Transit Emphasis Corridor.

### C. *Items Previously Discussed on September 14*

#### Umstead Park

Current	TD w/AOD
Public Hearing	IX-3-PK w/AOD
Alternative 1	R-4
Alternative 2	R-2

Future Land Use	Public Parks & Open Space
Urban Form	City Growth Center



### 3. **Umstead Park**

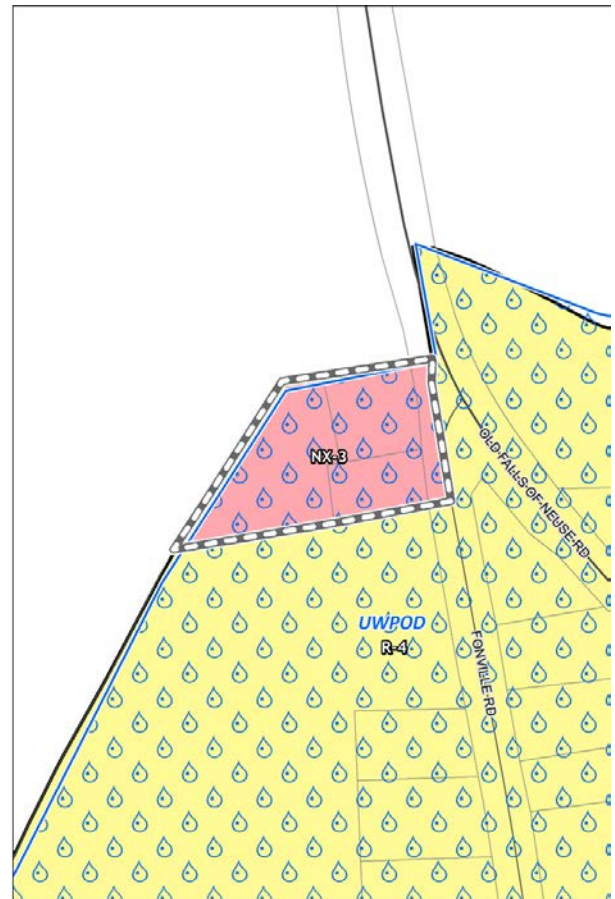
Council last discussed this item on September 14 and requested that staff work with the commenters to clarify their authority to speak about zoning on behalf of the State of North Carolina. The commenter from NC Department of Parks has affirmed her request, but was not able to provide documentation of her authority to speak about matters of zoning on behalf of the State. No other State of North Carolina entity (e.g. Department of Administration, State Property Office, or Council of State) has offered support for this request.

Also of note, the entirety of the area is not included in the Metropark Overlay District that is applied to other park property.

## 9721, 9733 & 9745 Fonville Rd.

Current	BC w/UWPOD
Public Hearing	NX w/UWPOD
Alternative 1	OX w/UWPOD
Alternative 2	RX w/UWPOD
Alternative 3	Text Change

Future Land Use	Neighborhood Mixed Use
Urban Form	N/A



#### 4. 9721, 9733, and 9745 Fonville Road

Council last discussed this item on September 14 and asked staff to gather additional information. A memo on the topic follows this report. The commentor requested an alternate zoning that would prohibit fueling stations on this property. If the City Council wishes to address this comment, the property could be zoned OX or RX; both of which would render the property non-conforming. A third option available to the City Council is a text change that would prohibit fueling stations when located within a watershed overlay district.

### ***D. Summary of Options for Council Consideration***

<b>Item</b>	<b>Public Hearing Comment</b>	<b>Area / Property</b>	<b>Current Zoning</b>	<b>Public Hearing Zoning</b>	<b>Alt 1</b>	<b>Alt 2</b>	<b>Alt 3</b>
<b>54</b>	PH-178	Dresser Ct & Benson Dr	O&I-3	OX-3	Text Change		
<b>55</b>	PH-170	509 Pylon Dr	IND-2 w/SRPOD	IX-3 w/SRPOD	IH w/SRPOD		
<b>56</b>	PH-171	4661 Paragon Park Rd	IND-1	IX-3	IH		
<b>57</b>	PH-172	615 W Peace St	NB w/PBOD	NX-3-UG	NX-4-UG		
<b>58</b>	PH-173	1408 Brookside Dr	O&I-1	RX-3	OX-3		
<b>59</b>	PH-174	4428 James Rd	R-6 w/SHOD-4	R-6	CX-3	OX-3	NX-3
<b>60</b>	PH-175	6321 Mt Herman Rd	TD w/AOD & SHOD-2	IX-3-PK w/AOD & SHOD-2	R-2		
<b>61</b>	PH-176	706 Mountford St, 234 & 236 S. Boylan Ave, 301 & 303 Kinsey St, 300 Dupont Cir	IND-2 & NB	DX-3	IX-3		
<b>62</b>	PH-177	101, 111, 117 E South St; 118 E. Lenoir St	NB w/DOD, partial w/HOD-G	CX-4-UG & DX-4-UG w/HOD-G	CX-4		
<b>63</b>	PH-179	3900 Sumner Blvd	TD	CX-3-UL	CX-4		
<b>64</b>	PH-180	4208 New Bern Ave	IND-1 w/SHOD-3	IX-3-PK	IX-3-PL		
<b>65</b>	PH-181	900 & 904 Coleman St	R-20	R-10	RX-3		
<b>66</b>	PH-182 PH-183	2838 Wake Forest Rd	IND-1	CX-3-PL	CX-3		
<b>3</b>	PH-013	Umstead Park	TD w/AOD	IX-3-PK w/AOD	R-4 w/AOD & MPOD	R-2 w/AOD & MPOD	
<b>4</b>	PH-014 PH-015 PH-119	9721, 9733, & 9745 Fonville Rd	BC w/UWPOD	NX w/UWPOD	OX w/ UWPOD	RX w/UWPOD	Text Change





## *City of Raleigh* *North Carolina*

To: Mayor McFarlane  
Members of the City Council

From: Ken Bowers, AICP  
Ben Brown, PE, CFM  
Charles Dillard  
Blair Hinkle, PE

Date: October 23, 2015

Re: Vehicle Fuel Sales in the Urban Watershed Protection Overlay District

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Staff has gathered additional information related to Vehicle Fuels Sales in the Urban Watershed Protection Overlay District (UWPOD). This memo includes information about:

1. Existing Vehicle Fuel Sales Locations in UWPOD
2. Risks of Vehicle Fuel Sales Location in UWPOD
3. Other Municipalities' regulation of Vehicle Fuel Sales in UWPOD

The City of Raleigh has standards for the Falls, Swift Creek, and Urban Protection Watersheds. The Unified Development Ordinance sets maximum impervious limits for each watershed area. Any development within these watershed areas must comply with these maximum impervious area standards. Additionally, nitrogen and phosphorus loading is regulated. These standards are established by State law, although the City standards exceed the minimum State requirements.

The Urban Watershed standards are lesser than the Falls and Swift Creek standards. The Urban watershed area utilizes the "run of river" technique for water filtration. This method allows a moving water body to cleanse itself. The Swift Creek and Falls Watersheds utilize impoundment, which is a collection and filtration cleansing system.

### **1. Existing Vehicle Fuel Sales Locations in UWPOD**

There is currently only one vehicle fuel sales facility located in the Urban Watershed Protection Overlay District, at 13250 Falls of Neuse Road. This facility is located in the Shopping Center zoning district, which permits the use. The proposed UDO rezoning (CX-3) will also permit vehicle fuel sales at this location. The attached map illustrates the Urban Watershed Protection Overlay District and areas within the UWPOD where vehicle fuel sales are currently allowed and would be allowed in the future, those areas where fuel facilities are currently allowed but would be prohibited, and those districts where fuel facilities are not currently allowed, but would be under the proposed rezoning.

## **2. Risks of Vehicle Fuel Sales Location in UWPOD**

The primary risks associated with locating Vehicle Fuel Sales in urban watersheds and/or flood-prone locations are fuel spills resulting from damage to underground storage tanks, small fuel spills that occur during the fueling of vehicles, and increased amounts of benzene, copper, zinc, and petroleum hydrocarbons in the watershed.

A number of national regulatory agencies and trade associations provide recommendations and standards for the construction of underground storage tanks (USTs) accompanying fuel facilities in sensitive watersheds and flood-prone areas. The American Society of Civil Engineers is the primary source of guidance on the issue and provides a number of recommendations in its referenced standard ASCE 24 Flood Resistant Design and Construction.

In addition to the risks posed by damage to underground storage tanks, fuel facilities contribute significant amounts of benzene, copper, zinc and petroleum hydrocarbons to watersheds.

While the location of fuel facilities in sensitive watersheds is not recommended, such facilities can be constructed in a manner that significantly reduces the risks posed to local waterways. The American Society of Civil Engineers provides the best management practice standards for such construction, particularly in flood-prone areas. Furthermore, City of Raleigh staff notes that incidences of water quality impacts are much more common as a result of routine, very small fuel spills during vehicle fueling than ruptured fuel tanks.

## **3. Other Municipalities' Regulation of Vehicle Fuel Sales in UWPOD**

Staff reviewed local, regional, and national regulations regarding the location of vehicle fuel sales in watersheds. Particular attention was given to local municipalities located partially or completely within the Falls Lake Watershed and the larger Upper Neuse Watershed. Both the Falls Watershed Protection Overlay District and the Urban Watershed Protection Overlay District are included within the Upper Neuse Watershed.

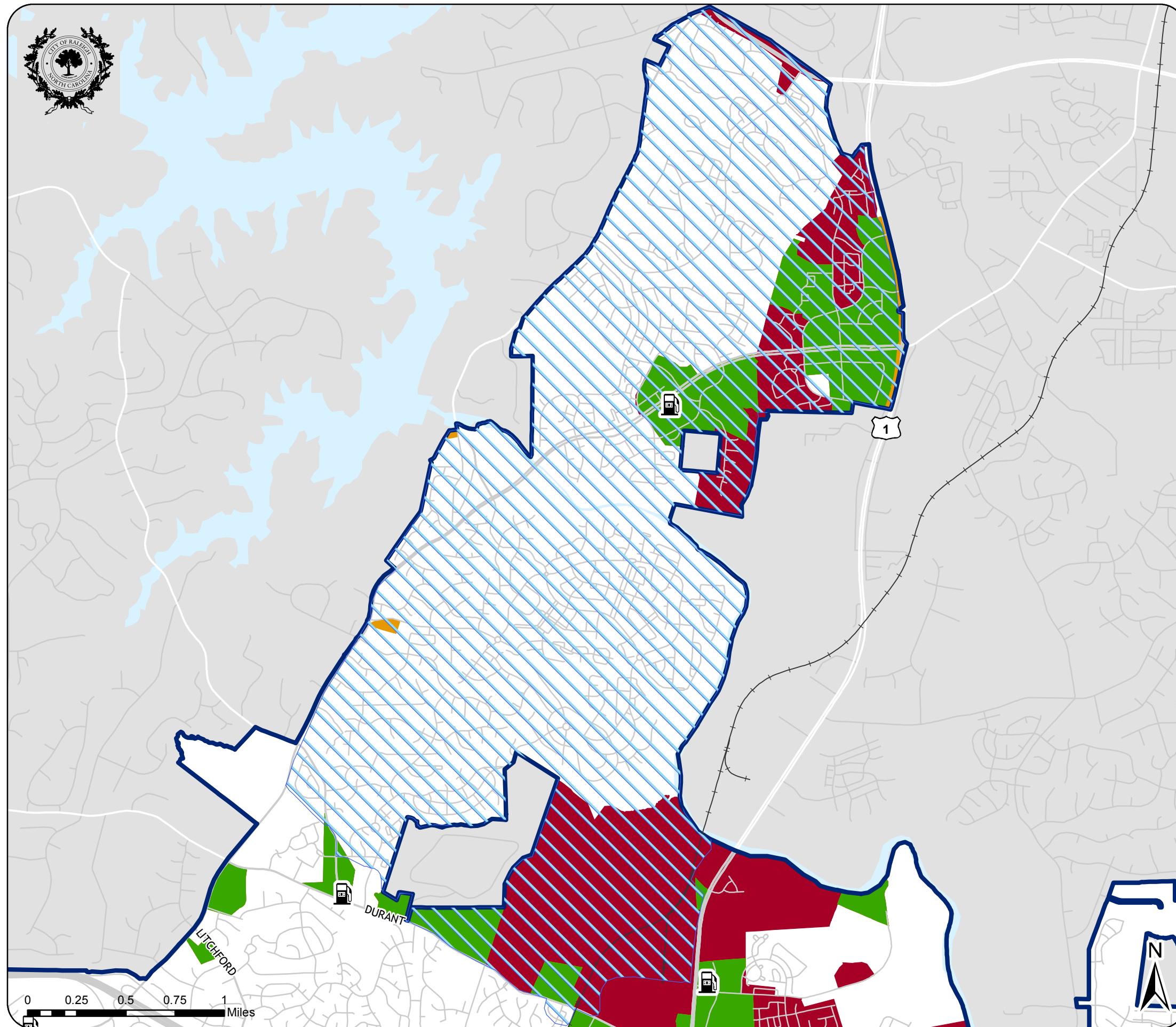
A number of municipalities around the United States use ASCE 24 as a baseline requirement in their local building codes. For example, all underground storage tanks constructed within Special Flood Hazard areas in New York City must be built in accordance with ASCE 24. To the extent that municipalities nationwide prohibit the development of new vehicle fuel sales locations in their watersheds, such prohibitions are almost always targeted for Special Flood Hazard Areas. Significant portions of Raleigh's Urban Watershed Protection Overlay District are located within Special Flood Hazard Areas.

A 2000 Wake County Planning Board Code and Operations Committee resolution recommended that the Wake County Board of Commissioners adopt an ordinance prohibiting new gas stations in R-40W districts. However, no such restriction has been implemented in Wake County.

Conversation with other City of Raleigh departments and research concludes that Durham is the only major local municipality with restrictions on vehicle fuel sales in the Falls Lake Watershed. Durham City-County Unified Development Ordinance Section 4.11.3 Nonresidential Land Use Restrictions states that "the sale of fuel for motor vehicles shall be prohibited within the Falls/Jordan District-A Watershed Overlay District." This watershed overlay district extends one mile from the normal pool of Falls Reservoir. The Falls/Jordan District-B Overlay District is an additional overlay district that covers an area from the outer edge of District-A to five miles beyond the normal pool of Falls Reservoir. There are no restrictions on fuel facilities in Durham's Falls/Jordan District-B Overlay District.


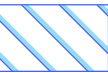




The Upper Neuse Watershed includes Little Creek in Durham County. The 2006 Little Creek Local Watershed Plan recommends regular outreach presentations and discussions with gas stations located in the watershed, with the goal of educating owners about effectively managing and limiting pollutant discharges into local watersheds.



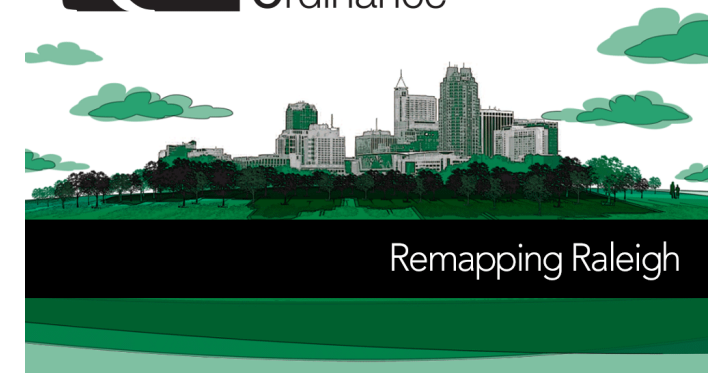


Map by Ray Aull, Last Update: 9 October 2015

# Vehicle Fuel Sales Locations and Allowance Extent in the UWPOD

-  Existing Locations
-  UWPOD
-  Areas Being Added
-  Areas Being Removed
-  Extent Not Changing
-  Raleigh Jurisdiction Limit

**RALEIGH** Unified  
Development  
Ordinance



**Speaker Comments from Z-27-14 Public Hearings**

<b>Comment ID</b>	<b>Date</b>	<b>Speaker</b>	<b>Subject Address (Property Discussed)</b>	<b>Comment at Public Hearing</b>	<b>Existing Zoning</b>	<b>Proposed Zoning</b>	<b>Future Land Use</b>
PH-170	7/7/2015	Bruce Goodson	509 Pylon Dr	Being rezoned from IND-2 to IX-3; Concerned about loss of heavy industrial entitlements; Currently heavy equipment rental with a structure for vehicle repairs. Switching to IX eliminates Commercial Vehicle Repair use; Building specifically designed for repairing industrial vehicles.	IND-2 w/SRPOD	IX-3 w/SRPOD	Community Mixed Use
PH-171	7/7/2015	Ataei-Kachuei, Hassan	4661 Paragon Park Rd	Would like consideration of not rezoning property. Would like to maintain entitlement for a commercial repair facility (not allowed under IX).	IND-1	IX-3	Business & Commercial Services
PH-172	7/21/2015	Kirit Padia	615 W. Peace St.	Representative of Blue Sky Services speaking on behalf; Permits for a 4 story building were obtained in 2008; Now being mapped for 3 stories and wants to request greater height entitlement.	NB w/PBOD	NX-3-UG	Neighborhood Mixed Use
PH-173	7/21/2015	Gordon Darwin (represented by Jonathan Matthews)	1406/1408 Brookside Dr.	Jonathan Matthews for Gordon Darwin; opposed to rezoning for property; requesting leave property as is for now.	O&I-1	RX-3	Medium Density Residential
PH-174	7/21/2015	Danny Eason	4428 James Rd.	One of four lots of Winter Park that are entrance to one side of the neighborhood along 401; Requests we reinstate transition standards that have been there for so long.	R-6 w/SHOD-4	R-6	Neighborhood Mixed Use
PH-175	7/21/2015	Kaye Buchanan	6321 Mt. Herman Rd.	Concerned they don't have the money to continue on property; in family since 60s.	TD	IX-3-PK	Business & Commercial Services
PH-176	Staff meeting with group & Stephenson 8/20/2015	Frank Harmon	706 Mountford St, 234 S. Boylan Ave, 236 S. Boylan Ave, 301 Kinsey St, 303 Kinsey St, 300 Dupont Cir	Concerned about proposed zoning creating use non-conformities with the maker community utilizing the structures on the parcels.	IND-1; NB	DX-3	Office & Residential Mixed Use
PH-177	7/7/2015	Edward Wills	South St & Wilmington St	McDonald's at South & Wilmington Streets. In business since 1965; Wants to have best McDonald's in SE Raleigh; Wants greater flexibility in upgrading to a newer restaurant.	NB w/DOD & HOD-G	CX-4-UG	Central Business District
PH-178	7/7/2015	William Houck	Dresser Ct	Dresser Court O&I-3 properties being rezoned to OX-3; Concerned about 50' businesses. Would like to keep provisions of O&I-3 for the future.	O&I-3	OX-3	Office & Residential Mixed Use
PH-179	7/21/2015	Andrew Kelton	3900 Sumner Blvd.	Representing of owners of 3900 Sumner Blvd; Met last fall with Planning Commission and Planning Staff to work on proposal; requesting height of 4 stories instead of 3. Expressed some difficulties with setbacks required and meeting frontage requirements as well.	TD	CX-3-UL	Community Mixed Use, Medium Density Residential & Public Parks & Open Space
PH-180	7/21/2015	Steve Plemmons	4208 New Bern Ave.	Owner of RV World; just bought property this spring; received nothing in the mail; wants PL instead of PK frontage.	IND-1 w/SHOD-3	IX-3-PK	Business & Commercial Services
PH-181	Signed Up - Didn't Speak	Ronald McCray	900 and 904 Coleman St.	Did not speak	R-20	R-10	Moderate Density Residential

**Speaker Comments from Z-27-14 Public Hearings**

<b>Comment ID</b>	<b>Date</b>	<b>Speaker</b>	<b>Subject Address (Property Discussed)</b>	<b>Comment at Public Hearing</b>	<b>Existing Zoning</b>	<b>Proposed Zoning</b>	<b>Future Land Use</b>
PH-182	Signed Up - Didn't Speak	JP Andrews	Costco	Did not speak	IND-1	CX-3-PL	Community Mixed Use
PH-183	Direct Email to CC [Gaylord]; 8/3/2015	Jim Joyce	2838 Wake Forest Rd	Did not speak	IND-1	CX-3-PL	Community Mixed Use

**From:** [KPadia@aol.com](mailto:KPadia@aol.com)  
**To:** [Rezoning](#)  
**Subject:** Re: 615 W PEACE ST (PIN:1704422076)  
**Date:** Friday, July 17, 2015 10:22:35 AM

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Thank you for your reply. I did attend July 7 meeting. Unfortunately I did not get a chance to speak before council even though I did sign up to speak.

I again intend to attend meeting on July 21. However, I like to say again for the record that the intent behind the rezoning is to encourage mix use development and increase zoning density. Right now out site is approved for four stories, and now the rezoning process is proposing three stories which means the site will be downsized. That contradicts with the city's intent or efforts behind the entire re-zoning process. If anything it needs to be 5 to 7 stories to be consistent with the adjacent property is 12 story high. Also note that City was paid for the permit cost for 4 story building at the location of this property. It feels very awkward that city would charge and take money for four story and then in turn make it good for only three story.

I received the letter in mail in regard to July 21, meeting. That letter says that I can also send my comments to City clerk's office for my comments to be included in the record of the public hearing. Please see that my comments are included in the record of the public hearing. If I need to send my comments somewhere else then please provide with me a e mail address where I can send my comments to be included in the record of public hearing as the letter did not provided the e mail or specific mailing address to send my comments. I want to go ahead and send my comments in case for some reason I could not come or stay very long for my turn at the meeting.

Thank you for your time.  
Kirit Padia  
919-749-4447

In a message dated 7/7/2015 4:37:18 P.M. Eastern Daylight Time, [Rezoning@raleighnc.gov](mailto:Rezoning@raleighnc.gov) writes:

Thank you for writing to us.

I looked up the permits for that property and it was indeed for a 4 story building. However, those permits would have expired in 2008 and the current zoning calls for a maximum height of 50' under the Peace Streetscape and Parking Plan attached to the Pedestrian Business Overlay District zoning on the property. That height designation comports with the 3 story & 50 feet designation that is proposed for the property.

At this point in the process, we are unable to accept requests for changes that are less restrictive, meaning that height designations cannot be increased further as part of this process.

Lastly, should you wish to make your issues known to the City Council, you should plan to attend this evening's meeting at 7pm or contact your councilmember directly. That would

be Kay Crowder, who you can email at: [kay.crowder@raleighnc.gov](mailto:kay.crowder@raleighnc.gov).

---

Ray A. Aull, Planner II (GIS)  
Long Range Planning Division  
Raleigh Department of City Planning

Phone: 919.996.2163

Office: One Exchange Plaza, Ste 300 (27601)  
Mail: PO Box 590, Raleigh, NC 27602

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**From:** KPadia@aol.com [mailto:KPadia@aol.com]  
**Sent:** Tuesday, July 07, 2015 11:19 AM  
**To:** Rezoning  
**Subject:** 615 W PEACE ST (PIN:1704422076)

Dear Sir/Madam

I am writing to inform you that the above land parcel is owned by Boylan Avenue Management, and my name is Kirit D. Padia. I am a manager and member of the Boylan Avenue Management.

We received a letter from City of Raleigh changing zoning from NB w/PBOD to NX-3 UG limiting to 3-stories and 50' max height.

We were approved and issued permit to build 4- story high building in February of 2007 (Mixed construction type per section 508.20). Due to collapse of market, we had to put our project on hold. We have spent substantial amount of money and efforts to this date. Along with that this is rare and unique location in down town Raleigh, that can enhance the image of down town by building a decent height building.

We are specifically to oppose to restricting the development to only 3 story on our land, as this will create substantial financial hardship. We had the complete set of plans prepared and the building permit on hand.

We would agree to rezoning to either NX-4 UG or preferably NX-5 UG allowing us build 4 story at minimum or five story.

Please make a note of our comment, and present it to town council.

Thanks

Boylan Avenue Management, LLC

Kirit D. Padia

Manager/Member

"E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized City or Law Enforcement official."

**From:** [Walter, Bynum](#)  
**To:** [Rezoning](#)  
**Subject:** FW: Gordon Darwin  
**Date:** Monday, August 03, 2015 3:25:48 PM

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Bynum Walter, AICP  
Senior Planner  
Long Range Planning Division  
Raleigh Department of City Planning  
One Exchange Plaza, Suite 300 (27601)  
PO Box 590, Raleigh NC, 27602  
919-996-2178 (v); 919-516-2684 (f)  
<http://www.raleighnc.gov>

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**From:** Bowers, Kenneth  
**Sent:** Monday, August 03, 2015 3:25 PM  
**To:** Crane, Travis; Walter, Bynum  
**Subject:** Gordon Darwin

Mr. Darwin lives in California and owns the apartments at 1408 Brookside. He is currently zoned O&I-1 and is proposed for RX-3. He has clarified his public hearing comment to be a request for OX-3 to preserve the existing office entitlement.

--Ken

**Ken A. Bowers, AICP**  
Director  
City Planning  
City of Raleigh  
One Exchange Plaza, Suite 304  
Raleigh, NC 27602-0590

919-996-2633  
fax 996-2684  
[kenneth.bowers@raleighnc.gov](mailto:kenneth.bowers@raleighnc.gov)

**From:** [Danny Eason](#)  
**To:** [Becker, Dan](#)  
**Cc:** [Aull, Ray](#)  
**Subject:** Re: 1989 Comprehensive Plan  
**Date:** Thursday, August 13, 2015 11:06:23 PM

---

Thank you for taking the time to reply to my request.

I look forward to receiving that file from whatever manner is necessary.

My specific interest lies in language referencing the 401 North Corridor Plan in the area North of the Capital Blvd to 4506 Louisburg Rd.

This includes 4428 James Rd & 4506 Louisburg Rd, Raleigh.

These 2 Winter Park lots are being harmed by the current UDO, 2030 Plan Rezoning Map.

Previous Corridor Plans identified these lots as being recombined to facilitate conversion to a higher use such as Shopping Center.

There is currently a hardship condition existing being experienced by these 2 Winter Park lots.

They have experienced a loss of value due to proximity to the 401 North Corridor plan as it relates to Heavy traffic volumes. We're speaking of \$40,000.00 per lot for a total of \$80,000.00 in lost value because they happen to be fronting 401 North/Louisburg Rd.

SOMETHING NEEDS to happen to avoid responsible land owners to be injured by the UDO Planned Rezoning Map.

Preferably up zoning to the UDO Map to allow for Shopping Center for these 2 Winter Park lots.

That is the basis for this request for information. Earlier Corridor Plans Specified that these 2 lots totalling less than 1 Acre be transitioned to Shopping Center zoning.

Any help you could provide supporting this request for information would be Greatly Appreciated!

Sincerely ,

Danny Eason  
919-210-9500

-----@

> On Aug 13, 2015, at 9:06 PM, Becker, Dan <Dan.Becker@raleighnc.gov> wrote:

>

> Hello Mr. Eason--

>

> Sorry to be slow on the reply; I was caught up in chain meetings all day today, and am scheduled out of the office until Tuesday.

>

> Do not fret, your search skills are fine. The 1989 plan is not on the website as it is no longer in force. We have an archive copy on the internal servers. It is -- as you might expect -- gigantic; too large to email.

>

> I am copying my division colleague, Dan Band. He should be able to set it up and direct you to a file sharing service where you can download the plan.

>



> And now Outlook is telling me that Dan is also out until Tuesday. So, I'm copying Ray Aull who is accustomed to working with large files and should be able to assist.

>

> Regards,

> Dan

> --

> Dan Becker, Division Manager

> Long Range Planning Division

> Raleigh Department of City Planning

> One Exchange Plaza, Ste 300 (27601)

> PO Box 590, Raleigh NC, 27602

> 919/996-2632 (v); 919/996-2682 (f)

> <http://www.raleighnc.gov>

>

>

> From: Danny Eason [dannyeason2769@yahoo.com]

> Sent: Wednesday, August 12, 2015 1:15 PM

> To: Becker, Dan

> Subject: 1989 Comprehensive Plan

>

> Hello Mr Becker,

>

> Sorry to trouble you with this simple request.

>

> I'm having trouble finding a copy of the City of Raleigh's 1989 Comprehensive Plan. Probably poor navigation skills on my part...

>

> Could you send me a link to that document?

>

> Thanks,

>

> Danny Eason

> 919-210-9500

>

> Sent from my iPhone

> "E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized City or Law Enforcement official."

**Danny Eason**

**My wife and I purchased and moved into 4428 James Road, Raleigh in 1977.**

**My house fronts 401 North/Louisburg Road and is one of four Winter Park lots to do so.**

**When the 401 North Corridor Plan was enacted, fresh on the minds of the City Council was avoiding the problems identified as South Saunders Street. This was essentially a blighted area of small residential properties which were boarded up and vacant. People didn't want to live on this high volume Corridor.**

**Toward that end the Council moved to facilitate certain lots eventually going to a higher use, converting from residential to commercial in an orderly manner. The below language cited the entrance to Winter Park as an example of that transition.**

**Councils have come and gone since that time but until recently those Councils have not chosen to change this "Example" verbiage.**

**The UDO does remove that language. I see no reason for the UDO to do so, overturning the wisdom of so many other Councils.**

**I request that the below language be reinstated to the UDO. I've been an example of stability regarding Winter Park having owned there for 37 years. I've done exactly what the City would want in terms of responsible maintenance of appearance. I speak from some level of experience and history for this area of the City.**

**"2. A policy boundary line is on the south side of the nonresidentially zoned properties on the south side of U.S. 401 near U.S. 1. This policy boundary line is specific except along the backs of the four residential lots adjoining James Street, where it is general.**

**9. The four residential lots which front on U.S. 401 and surround James Street should remain residential or develop as frontage lot residential transition uses. Guidelines for such frontage lots can be found in Chapter 3 of the Comprehensive Plan. Lots should be combined to increase the site width or depth."**

**Danny Eason**

**7024 Kristi Drive**

**Garner, NC 27529**

**From:** [Walter, Bynum](#)  
**To:** [Rezoning](#)  
**Subject:** FW: Boylan Heights meeting  
**Date:** Friday, August 21, 2015 5:21:28 PM

---

Bynum Walter, AICP  
Senior Planner  
Long Range Planning Division  
Raleigh Department of City Planning  
One Exchange Plaza, Suite 300 (27601)  
PO Box 590, Raleigh NC, 27602  
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<http://www.raleighnc.gov>

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**From:** Bowers, Kenneth  
**Sent:** Friday, August 21, 2015 5:20 PM  
**To:** Frank Harmon  
**Cc:** Hannah Ross; Crane, Travis; Walter, Bynum  
**Subject:** RE: Boylan Heights meeting

Frank:

A few clarifications. It is DX that does not permit light industrial. IX permits both light manufacturing and light industrial. DX only permits light manufacturing. That is the source of the concern.

Also, DX provides parking reductions, but IX does not, unless it is paired with an Urban Frontage, in which case it does. If the desire is to lower redevelopment pressure, it would be better to not apply urban frontage and to maintain existing parking non-conformities.

I have three pieces of additional information since we met:

First, I am concerned about the composting business. Commercial composting is considered a waste-related service, similar to a landfill, and requires heavy industrial zoning. If they are doing their composting on-site, that would be a problem under IX. Please let us know what type of composting activity is occurring on the property.

Second, I was mistaken regarding the zoning for this area having been raised at the public hearing. It was not. However, I understand that Council Member Stephenson is going to raise it, so it should still be considered.

Third, our zoning administrator informs me that we are interpreting IX as being \***less**\* restrictive than DX. Therefore, this area will have to go into the pile of less restrictive requests that get referred back to Planning Commission and then reheard at a fresh public hearing. For this and other reasons, we will \***not**\* be putting this item on the Council work session agendas in September. We will let everyone know when it is coming up.

Thanks for organizing the discussion yesterday. Onward and upward.

Cheers,  
Ken

**Ken A. Bowers, AICP**

Director  
City Planning  
City of Raleigh  
One Exchange Plaza, Suite 304  
Raleigh, NC 27602-0590

919-996-2633  
fax 996-2684  
[kenneth.bowers@raleighnc.gov](mailto:kenneth.bowers@raleighnc.gov)

**From:** Frank Harmon [<mailto:frank@frankharmon.com>]  
**Sent:** Friday, August 21, 2015 12:11 PM  
**To:** Bowers, Kenneth  
**Cc:** Hannah Ross  
**Subject:** Boylan Heights meeting

Hello Ken,

Thank you again for coming to our meeting yesterday and helping us understand the Capital UDO. Below is a portion of our minutes as we understand them. Could you clarify any misinterpretations that we may have included?

Thanks for getting back to me and I hope you have a good vacation next week.

---

**4) Grave concerns about this potential zoning plan** have been respectfully addressed to City Planners by residents in Boylan Heights, as well as those who utilize the existing industrial spaces for creative ventures. Ken Bowers, representing the City, made it clear that they were listening and responding to these concerns.

They suggested today the current DX zoning identification be changed to IX-3: Industrial Mixed Use, 3 stories height limit. This is the most liberal zoning. It allows for light manufacturing: clothing, textiles, jewelry, clay, music, photography sculpture, office, warehouse, etc., but not light industrial: bottling, bus/rail, lawn services, dry cleaning, auto sales, as examples given. IX3 also reduces parking requirements, and would allow live-work studios and workshops.

Light industrial and retail would be allowed on the first floor, with residential living spaces on the 2<sup>nd</sup> and 3<sup>rd</sup> floors. No frontage requirements and parking reductions are part of IX-3 that make this zoning compatible with current maker community uses.

**5) Our group can help city staff by identifying uses that are prohibited in DX that are permitted in IX. This would help staff change zoning to IX3.**

**6) Ken suggested that all who are concerned should go to the UDO remapping website and go through the DX accepted uses and prohibited uses to review and respond. Suggestions will be received and considered.**

**Any concerns should be made directly to City Council members. Russ Stephenson, who attended this meeting today, will be available to receive and discuss these concerns.**

**A staff report in response to this zoning issue will be made public on September 1<sup>st</sup>, on the UDO website.**

**7) Ken also encouraged us to review the staff response by September 1 and send our comments to city staff or City Council members (add email addresses).**

--

Frank

**FRANK HARMON ARCHITECT PA**

14 E Peace Street

Raleigh, NC 27604

919 829 9464 office

919 247 9929 cell

**Date:** 8.18.15

**To:** The creative community of designers, artists, & craftspeople working in spaces adjacent to the railroad tracks on the northern fringes of Boylan Heights.

**From:** Frank Harmon, Mike Cindric, and Susan Toplikar;  
706 Mountford Avenue

**Re:** Proposed zoning changes by the City of Raleigh and how they affect the community of artists, designers, and craftspeople who live and/or work in this area.

Hello!

The City of Raleigh has recently proposed a UDO (Unified Development Ordinance) that could significantly impact the usage and value of the spaces we utilize as studios within Boylan Heights. There is much confusion about the ramifications of the UDO. Ken Bowers, Raleigh's Director of City Planning, has agreed to meet with us to clarify the UDO and its effects on our community.

Our goal is twofold. We want to hear Ken's explanation of the UDO. We also want to make Ken aware of the uniqueness of our group. We are a community of 'makers': cabinetmakers, sculptors, painters, potters, woodworkers, installation artists, blacksmiths, carpenters, tile-makers, craftsmen, and designers of all stripes. Our spaces, nestled within the curve of the railroad tracks that divide residential Boylan Heights from the Warehouse District and extending for over a mile to the side door of the State Prison, are a collection of warehouses, studios, garages, outbuildings, and storage sheds that afford the industrial-type space preferred for the kind of work we do. We represent the largest and most diverse artistic collective within the city. We fear that the zoning changes proposed in the UDO could encourage high density development in our district, erode the industrial nature of our community, fracture the existing comraderie of the 'makers' and the community, and eradicate Raleigh's last remaining contiguous enclave of artists, craftspeople, and designers. While we empathize with the notion of increasing downtown density as a way of developing a vibrant and festive urban district, we feel that extending that zone across the tracks into Boylan Heights could potentially eliminate our community of *makers* and their spaces.

---

**Information gathering session with Ken Bowers:**

- **Thursday 8.20.15; 8:30 AM**
- **706 Mountford Avenue (please park on the street; Compost Now has trucks using the 706 parking lot)**
- **Coffee will be provided**

**Please attend!**

To Whom It May Concern  
City of Raleigh  
UDO/Rezoning issues  
Hearing on 7/21/2015

Re: 3900 Sumner Blvd

To Whom it may concern,

The letter is in response to the rezoning recommended by the planning department as part of the UDO process. I meet with the Planning Director and members of her staff in October 2014. At this time I submitted a letter detailing the problems we have with the new zoning and a request for changes to be considered. I also meet and spoke at the planning Commission hearing on 10/21/14 this issue. In addition to myself Ed Bailey a long time advisor to the Broughton family also submitted a letter that basically mirrored my letter and he attended the meeting on 10/21/2014.

The owners of the property have finalized development plans and we anticipate being in a position to meet with staff in the any t9me that works in the coming weeks. In the planning commission hearing on 10/21/2014 it was discussed during my presentation that it would be advisable for us to meet with the planning department to review some of the site specific issues that makes our site at 3900 Sumner Blvd difficult to work exactly into the Urban design. During the October hearing it was discussed that we might want to look at designating 1 of the 3 roads around this site as the primary road. It was proposed that Triangle Town Blvd might be a better option to focus on as we move forward. We discussed that a meeting with the developers/owners of the property and members of the staff on the planning department to review a few ideas as a means to meet the goals of the rezoning but to take into account some site specific issues that will prohibit us from completely complying.

I will be attending the meeting tonight at 6 pm on 7/21/2015 and if I need to speak I will be ready to touch on the issue. I have requested to discuss the rezoning within the weeks after the meeting.

I appreciate the opportunity to speak this coming Tuesday and I look forward to working with your staff to move our project from a few pieces of paper to a reality hopefully in the very near future. If I need to be reached for any reason my contact email and telephone numbers are provided below.

Thank you for your time,

Andrew Kelton  
Kelton Consulting  
[handrewkelton@gmail.com](mailto:handrewkelton@gmail.com)  
[919-395-7081](tel:919-395-7081)



TOPIC: Statement of presentation you wish to make and statement of action you wish Council to take. Attach additional Sheets, if needed.

The ownership group I represent owns the last undeveloped site around the Triangle Town Mall at 3900 Sumner Blvd. We meet with the Planning Director last fall to discuss our concerns and we also attended and spoke at the Planning Department hearing on 10/21/2014. In our meeting last October we discussed sitting down with the planning department once we formalize our plans and we can work together to develop a method to meet the spirit of the Urban concept but we have to make adjustments to take in consideration site specific issues. One concern we had is the proposal for the maximum building height to be 3 stories. This is a reduction in the existing maximum height by over 4 floors. Our current plans work with 3 stories but in the event this plan does not happen we will need the flexibility that a maximum height limit of 4 stories will provide us a marketable development for alternate future uses.

The new zoning for this site is looking for a development with an "Urban feel". The main way this is achieved is to have any future building, fronting a primary street, would be built within 5-10 feet of the back of the sidewalks and the bulk of the parking located behind the building on the interior of the site. In our meeting last October we discussed focusing on one street and at the time it seemed that Triangle Town Blvd would be the primary street. When we started on reworking our plans we realized that the major power lines had a 100' easement that Triangle Town Blvd would be built just outside of the easement to the east. This means that no matter what we do we will not be able to get closer to Triangle Town Blvd then 110'-120'.

We have gone back and modified our development plans to refocus our development along Sumner Blvd, which will now become our primary street. We have worked to get the buildings as close as possible to the property lines but the grade changes are so severe across the property that we anticipate we will have retaining walls across the front of the property. Because of this the proposed buildings will be built as close as possible to the of the property line and the bulk of the parking will be behind the buildings or screened

by some other structure or landscape berms. There will need for retaining walls to be built along the property line of Sumner Blvd in most areas but it will allow for the overall feel of the Urban zoning and the parking will be maintained behind the buildings or berms on all major street frontage.

Based on the above comments the ownership wishes to request that we be allowed to meet with the planning department to develop a site plan that meets the general intent of the new Urban zoning plans. We do request the City Council approve the following;

Modify the minimum height to 4 stories

Designate that Sumner Blvd will be the only street that will be required to adhere to the "Urban design" and that a portion of the frontage may require retaining walls due to the need to keep the finish floor elevations at a higher level then the street. The remaining streets will have buildings built as close to the property line as possible or as close as allowed with exiting easements taken into consideration. Parking areas for the buildings excluding along Sumner Blvd will strive to be located behind the building but there will be instances were the parking maybe located along the street frontage in line with the buildings. Parking will be allowed adjacent to the buildings and behind berms along the secondary streets.

I look forward to discussing this issue with city official and we are prepared to meet with the planning department to work on our plans as soon as they can meet. Thank you for your time and consideration in this matter,

Andrew Kelton  
Owners Representative

From: [steve.plemmons](#)  
To: [Rezoning](#)  
Subject: re-zoning problem  
Date: Monday, July 06, 2015 5:26:07 PM  
Attachments: [B7B1DE15-EA10-4CFC-8FD8-768A45B2E796.png](#)

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Dear rezoning and planning,

I am the previous land lessor from 2007 until 2015 and now new owner of 4208 New Bern Ave. business operating under the name Bill Plemmons RV World. Ownership is under 4s Properties LLC. The business has been a RV Dealership since 1967 in that location. We also have overnight campground behind the dealership that provides camping for citizens who are having treatments at Duke and other hospitals in the area. Highway patrol and police who are in the area for assignments or training and just general camping utilizing the RV camping as well as our customers just staying over night or a few days.

Our main focus is retail sales, service and accessories for the RV customer. We have already seen our road frontage decline when the sidewalk was imposed. Now we are in notice that the new proposed zoning will end our business as we know it. With a buffer of 50 ft. and vegetation no lower than 5ft in 3 yrs. Consumers will not even be able to see our business and close us down, forcing a relocation which will in all likelihood move us to somewhere like Garner etc.

I would like to propose zoning us like our next door neighbor Office Depot where no buffer on the road frontage will be required. As you can see below in the photo, they are being suggested to rezone to IX-3-pl and as I understand it, that will fit our business even more than them. Our products are a very visibly needed product in order to be recognized as an RV Dealer, just like an automobile dealership. we do not have that large of a parking lot between our building and the sidewalk now. With these proposed changes, we would lose 90% percent of our parking and all ability to park an RV out front. As said, this will destroy our business and the aprox. 20 jobs now provided and proposed expansion that will grow us to providing upwards of 50 jobs who will and are now tax payers as you are well aware of. I thank you for considering my thoughts.

Please consider my proposal to be rezoned IX-3-pl rather than IX-3-pk.  
Respectfully

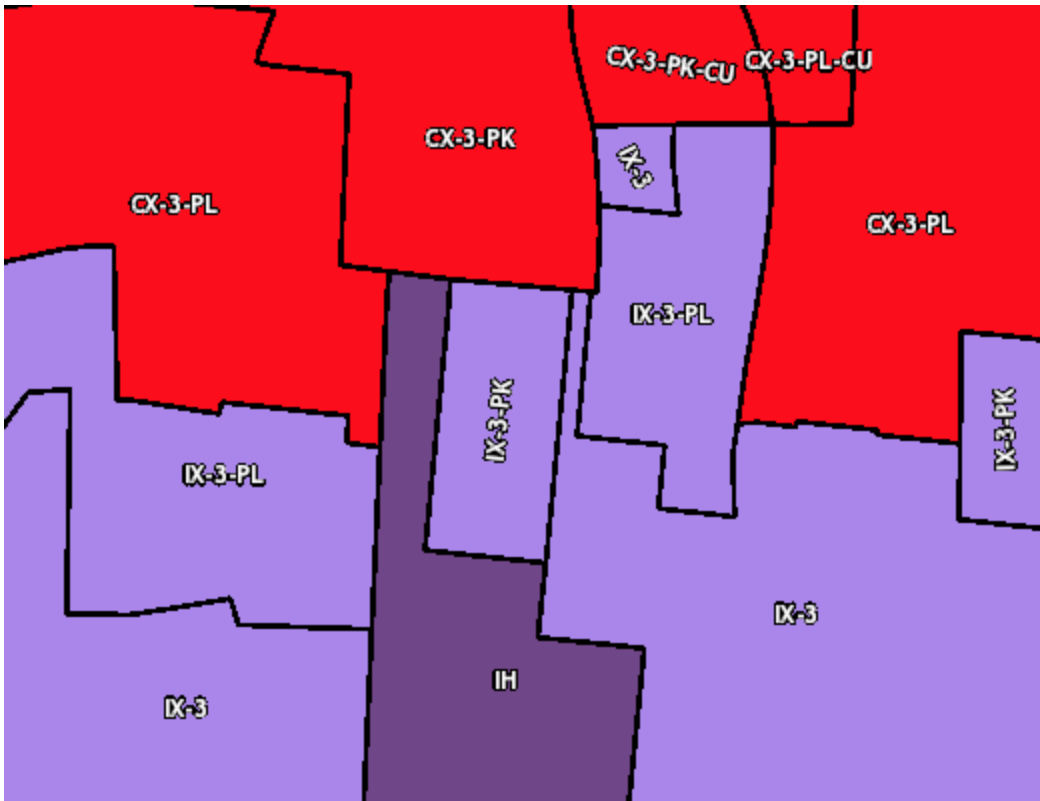
**Steve Plemmons**

Owner/President

**Bill Plemmons** RV World

"Lifetime Warranty, Lifetime Memories"

Family fun since 51'



**From:** [RONALD MCCRAY](#)  
**To:** [Rezoning](#)  
**Subject:** Request Continued R20 and Multifamily and non-Residential Use/Zoning for 900 & 904 Coleman and 113 Waldrop Streets  
**Date:** Sunday, June 28, 2015 3:08:16 PM

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Mr. Ken A Bowers, AICP  
Planning Director  
[Rezoning@raleighnc.gov](mailto:Rezoning@raleighnc.gov)

1. I respectfully request continued multifamily and non-residential use/zoning for 900 & 904 Coleman and 113 Waldrop Streets. I also request that the properties remain at R20. In summary, more flexible zoning and higher R rating will also help increase property values and improve: ways of paying taxes; sale-ability and making a living.

2. Regarding filing a Valid Statutory Protest:

- a. What is the due date?
- b. Can I get one on the web with directions; what is the link? I don't currently live in Raleigh.

3. Regarding attending the 7 July 2015, 7pm meeting:

- a. Can I Email all city council members this opposition since I will not likely be able to attend?
- b. Request you give this email to each council member at the 7 July 2015, 7pm meeting?

4. As I have indicated in the past, some of my reasons for opposition to loss of multifamily and non-residential use/zoning and reducing the R rating for 900 & 904 Coleman and 113 Waldrop Streets are:

- a. I would like to be able to rent my house at 904 Coleman St as one or two units.
- b. More flexible zoning will also help increase property values and improve: ways of paying taxes; sale-ability and making a living. It would help survive economic downturns.
- c. Multi-family housing is often cheaper and helps lower income residents.
- d. As was advised that my properties appear to be near the end of zoning areas.
- e. My properties are located near a major boulevard, road or avenue (MLK and Raleigh Blvd).
- f. Consideration should be given to the combined SF of my two properties on Coleman Street. There is also a large 18-unit complex across the street which the city recently built.

g. My observation is that for many neighborhoods, flexible zoning would also help the financial survival for those with insufficient retirement resources and/or are unable to secure a job due to health, care of elderly family members and other reasons.

h. The proposed re-zoning from R20 to R10 is a bad idea and will likely reduce sale-ability of properties on Coleman Street and on Waldrop Street. The two Coleman Street properties are next to MLK Jr. Boulevard and across the street from an 18 unit complex recently built by the city.

i. When I retire, I plan to live in part of 904 Coleman Street Raleigh, NC.

I pay my taxes on time. I grew up in the neighborhood (904 Coleman), from age five, and had no problems with the smaller multifamily units. Prior to age five, we lived in another part of Raleigh and had to move to 904 Coleman because of zoning. When we moved to 904 Coleman in the early 1950s, my parents discovered they could not keep our family store because of zoning. This reduced family income.

5. I'm not familiar with zoning codes and definitions and would have to review the correct ones before I could indicate a specific zoning code. I can be reached at 202-251-3896 from 12:00 noon to 12:30 pm. Thanks for your responses and patience.

V/R Ronald McCray  
11930 Twinlakes Dr., Apt.26  
Beltsville, Md. 20705  
202-251-3896

**From:** [Joyce, Jim L.](#)  
**To:** [Gaylord, Bonner](#)  
**Cc:** [Bowers, Kenneth](#); [Rezoning](#)  
**Subject:** Raleigh Zoning Remapping (Z-27-14)  
**Date:** Monday, August 03, 2015 12:18:39 PM

---

Mr. Gaylord:

Our firm represents Costco Wholesale Corporation (“Costco”), which owns a store and associated gasoline pump facility located at 2838 Wake Forest Road (PIN 1715220965), near the eastern edge of District E (the “Raleigh Costco”). I am e-mailing you today to express Costco’s concern regarding the proposed application of a Parking Limited (“PL”) frontage requirement to the Raleigh Costco as part of the UDO Zoning Remapping (Z-27-14, the “Remapping”).

The Remapping proposes to rezone the Raleigh Costco from Industrial-1 to CX-3-PL, and Costco respectfully requests that the City Council consider (a) removing the PL designation from this site and/or (b) modifying text of the frontage requirements to allow Costco to make at least minor additions to the existing Raleigh Costco.

Costco first learned of the Remapping upon receiving a letter regarding the City Council’s public hearing just days before the first public hearing session. Since that time, I have attended the July 7 and July 21 public hearings and the July 27 City Council Work Session, and have had multiple helpful conversations with planning and zoning staff. I did not speak at the public hearing in order to avoid unnecessary duplication of others’ comments and because it was not clear what actions the City Council would be taking after the public hearing.

While Costco agrees and appreciates that the CX-3 designation is the best translation of its current zoning for the current and foreseeable future of this property, the imposition of the PL frontage requirement represents a significant impairment of Costco’s future use of the Raleigh Costco property.

As you know, the PL frontage designation requires that principal structures have no more than 2 bays of parking with one drive aisle between the principal building and the street right of way. As you may know, Costco’s store building is set back much more than 2 bays of parking from Wake Forest Road. As such, Z-27-14 by itself would make this project non-conforming and prevent any further expansion or modification of the Raleigh Costco, short of complete demolition.

A proposed text change to resolve frontage-related non-conformities, TC-4, would not alleviate this hardship. TC-4-15 proposes to modify Section 3.4 of the UDO such that a parcel would not be considered nonconforming solely due to imposition of a frontage requirement, and proposes to allow for limited expansion of these uses. However, the restrictions TC-4 places on limited expansions effectively prevents any expansion whatsoever on Costco’s property. TC-4 would require new expansions to meet the frontage requirements and be no greater in size than the *lesser* of 25% of the current building GFA or 1,000 square feet. As a result, TC-4 would only allow Costco to construct a 1,000 SF expansion located several hundred feet from the main 150,000+ SF building.

In summary, remapping the Raleigh Costco to CX-3-PL would prevent a property owner that has made a significant investment in this property (and wants to remain an important part of



the community for years to come) from making even minor additions to its property as currently used. I would therefore appreciate your support in encouraging the City Council to consider (a) removing the PL designation from this site and/or (b) modifying text of the frontage requirements to allow Costco to make at least minor additions to the existing Raleigh Costco.

If you are available to discuss this matter in more detail later this week or early next week, I would appreciate the opportunity.



**James L. Joyce**

K&L Gates LLP

4350 Lassiter at North Hills Avenue, Suite 300

Raleigh, NC 27609

Phone: 919-743-7336

Fax: 919-516-2137

[jim.joyce@klgates.com](mailto:jim.joyce@klgates.com)

[www.klgates.com](http://www.klgates.com)

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**From:** [Walter, Bynum](#)  
**To:** [Rezoning](#)  
**Subject:** FW: William B. Umstead SP Property and Raleigh UDO  
**Date:** Tuesday, October 13, 2015 4:27:36 PM  
**Attachments:** [SPO closed memo Eure\\_ph1\\_UmsteadSP.pdf](#)  
[COS memo Eure\\_ph1\\_Umstead\\_SP.pdf](#)  
[Raleigh\\_NRCD\\_1985\\_MoU\\_signed.pdf](#)  
[WakeCoDB11155\\_pg891\\_Eure\\_ph1.pdf](#)  
[WakeCoMB\\_2004\\_pg2368.pdf](#)

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Bynum Walter, AICP  
Senior Planner  
Raleigh Department of City Planning  
One Exchange Plaza, Suite 300 (27601)  
PO Box 590, Raleigh NC, 27602  
919-996-2178 (v); 919-516-2684 (f)  
<http://www.raleighnc.gov>

---

**From:** Regier, Sue [mailto:[sue.regier@ncparks.gov](mailto:sue.regier@ncparks.gov)]  
**Sent:** Tuesday, October 13, 2015 3:35 PM  
**To:** Walter, Bynum  
**Cc:** Letchworth, Scott; Cook, Dave; Strong, Brian; Clarke, Lewis N; [jean\\_spooner@ncsu.edu](mailto:jean_spooner@ncsu.edu)  
**Subject:** William B. Umstead SP Property and Raleigh UDO

Bynum,

It was good to talk with you last week about the William B. Umstead SP property and Raleigh zoning.

Currently, most of the William B. Umstead State Park property has an R-4 zoning and this is consistent with zoning for state park properties across the state where there is local zoning regulations. Most of William B. Umstead SP is within the Raleigh city limits due to voluntary annexation based on the 1985 MOA (pdf attached) between the State of North Carolina and the City of Raleigh. We entered into the MOA and agreed to have the park annexed into the city so there could be zoning on the private property adjacent to the state park that helped protect the natural and recreational values of William B. Umstead SP. The metro-park overlay district (MPOD) is a result of the 1985 MOA.

PIN 0768914024 is zoned IX-3-PK, which is inconsistent with the zoning on the remainder of the state park. There appears to be an error in the parcel mapping by Wake County showing this PIN as a separate parcel. This parcel was combined with other Angus Barn parcels as shown on the recorded plat at book 2004, page 2368 (pdf attached) as Lot 5 and acquired by the state for William B. Umstead SP in 2004 with the deed to the state recorded in Wake County DB 11155, page 891 (pdf attached). The legal description for this acquisition is Lot 5 on the recorded plat. The state acquired this property with funds from two state conservation trust funds and a grant from Wake County Open Space. The funding sources and the state's approval to acquire this property for the state park are shown in the Council of State approval memo (pdf attached). The State Property Office completed the allocation of this property for William B. Umstead SP with their closing memo of January 6, 2005. (pdf attached).

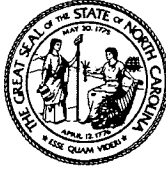
The Division of Parks and Recreation requests PIN 0768914024 be zoned consistent with the adjacent property in the state park and properties within the MPOD. Let me know if you need additional information or assistance with making this change in the Raleigh UDO for this property within William B. Umstead SP.

Thank you for your work on this issue.

Sue Regier  
Land Protection Planner  
NC Division of Parks and Recreation  
MSC 1615  
Raleigh, NC 27699-1615

919-707-9363  
[Sue.Regier@ncparks.gov](mailto:Sue.Regier@ncparks.gov)

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## North Carolina Department of Administration

Michael F. Easley, Governor  
Gwynn T. Swinson, Secretary

State Property Office  
Joseph H. Henderson, Director

January 6, 2005

### **MEMORANDUM**

**TO:** Sue Regier  
Division of Parks and Recreation

**FROM:** Alton Phillips *Alton Phillips*  
Real Property Agent

**SUBJECT:** Property of The Trust for Public Land (Umstead State Park)  
**Wake County** **SPO File No: 92-BN**

The above-referenced acquisition has been completed with deed to the State being recorded in **Deed Book 11155, Page 891, Wake County Registry**. A copy of the deed is attached for your records. It will be your responsibility to assume management of the subject property.

The State of North Carolina requires that the acquiring agency, when assuming management, support the State's Sustainability efforts when managing the property.

If you need additional information, please let us know.

HAP

Attachment

**Mailing Address:**  
1321 Mail Service Center  
Raleigh, N.C. 27699-1321

**Telephone (919) 807-4650**  
Fax (919) 733-1431  
State Courier #52-71-78

**Location:**  
116 West Jones Street  
Raleigh, North Carolina



# North Carolina Department of Administration

Michael F. Easley, Governor  
Gwynn T. Swinson, Secretary

State Property Office  
Joseph H. Henderson, Director

December 7, 2004

## **MEMORANDUM**

TO: Sue Regier  
Parks & Recreation

FROM: Joseph Henderson, Director  
State Property Office

RE: Council of State Approval  
File No. 92-BN

A handwritten signature in black ink, appearing to be "J. Henderson", written over the "FROM:" line.

This is to advise you that the Council of State, at its meeting held on the above date, approved the attached item.

This matter will be referred to the Attorney General's Office at the appropriate time for preparation of documents. In the meantime, if you have any questions regarding this transaction, please contact Alton Phillips of this office.

AP/tm

Attachment

Cc: Don Teeter  
David Proper

**Mailing Address:**  
1321 Mail Service Center  
Raleigh, N.C. 27699-1321

**Telephone (919) 807-4650**  
Fax (919) 733-1431  
State Courier #52-71-78

**Location:**  
116 West Jones Street  
Raleigh, North Carolina

## **ACQUISITION BY DEED**

### ITEM 18

GRANTOR: The Trust For Public Land

GRANTEE: State of NC, Department of Environment and Natural Resources,  
Division of Parks and Recreation

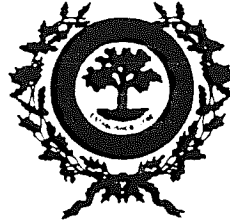
LOCATION: South side of US Highway 70 West and east side of Aviation Parkway,  
Raleigh, Wake County

AREA: 96.41 acres (subject to survey)

UNIT COST: \$52,000/acre

CONSIDERATION: \$5,013,280 (subject to survey)

COMMENTS: The property is needed for inclusion into Umstead State Park pursuant to the master plan. Proposed acquisition will buffer the park from commercial development and protect the water quality of Big Lake within the park. Funds for this acquisition are provided by the Parks and Recreation Trust Fund, Clean Water Management Trust Fund and Wake County Open Space Committee. This item was presented to the Joint Legislative Commission on Governmental Operations for their review and received a favorable recommendation.



*City Of Raleigh*  
*North Carolina*

August 6, 1985

Dr. William W. Davis, Director  
Division of Parks and Recreation  
Department of Natural Resources and  
Community Development  
512 North Salisbury Street  
Raleigh, North Carolina 27611

Dear Dr. Davis:

Enclosed are two (2) original executed Memorandums of Agreement between the City of Raleigh and NRCD concerning Umstead State Park. We look forward to working with you and your staff towards the protection of this valuable natural resource.

We appreciate your assistance and willingness to work with the City on this important project.

Sincerely,

E. Watson Brown  
Senior Planner  
Comprehensive Planning Section

EWB/agp

attachments

cc: Planning Director  
✓ City Clerk and Treasurer

## MEMORANDUM OF UNDERSTANDING

WHEREAS, the State of North Carolina, hereinafter referred to as "the State", owns 5,138 acres known as William B. Umstead State Park, hereinafter referred to as "the Park", and has delegated management responsibilities for the Park to the N.C. Department of Natural Resources and Community Development, hereinafter referred to as "NRCD";

WHEREAS, NRCD, in 1974, finalized the Master Plan for the Park which prescribes the land acquisition, facility development and management goals for the Park;

WHEREAS, rapid urban development is encroaching on the Park and has the potential for adversely impacting the Park's important natural and recreational resources;

WHEREAS, the City of Raleigh, hereinafter referred to as "the City", upon the annexation by petition of the Park will have the ability to manage urban development adjacent to the Park through its comprehensive land use planning, zoning and enforcement authorities upon expansion of its Extraterritorial Jurisdiction, hereinafter referred to as "ETJ";

WHEREAS, NRCD and the City are strongly committed to the development and implementation of land use and zoning policies to protect the natural and recreational values of the Park.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City in consultation with NRCD, and pursuant to annexation of the Park, will zone the Park to a classification that will allow for the continuation of current Park uses and for the implementation of the 1974 Master Plan for the Park;
2. The City herewith accepts the 1974 Master Plan as adopted by NRCD and finds that all uses and recommendations outlined therein are deemed to be permitted accessory uses as defined by the zoning and development codes of the City;
3. The City pursuant to annexation of the Park and as permitted by state law will extend its extraterritorial jurisdiction at least one mile from the Park boundaries except in those areas which would fall within the jurisdictions of the Town of Cary and Raleigh-Durham Airport;
4. The City, in consultation with NRCD, will develop a comprehensive land use plan for areas surrounding the Park within the ETJ which would recommend mechanisms to protect and buffer the Park and its natural and recreational resources;
5. The City will establish zoning districts adjacent to park boundaries within the City's ETJ which would offer the maximum protection for the Park and its natural and recreational resources;
6. Only after careful study and consideration of and after consultation with



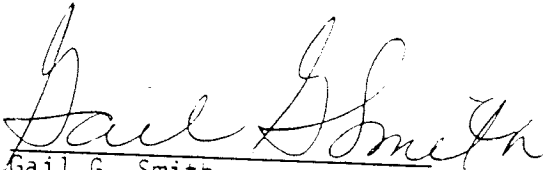
NRCD will the City Council act on rezoning petitions for private properties proposed for the Park acquisition as defined in the 1974 Master Plan for the Park;


7. The City will establish zoning and land use policies that provide a smooth transition in uses from low density residential and conservation uses adjacent to the Park to higher density residential and non-residential uses at greater distances from the Park boundaries;
8. The City will develop and implement watershed protection policies for the drainage basins of those major streams which traverse the Park;
9. NRCD shall be the sole entity responsible for making or requiring any changes to the 1974 Master Plan for the Park as administered by NRCD.
10. The State will retain title to the Park and NRCD will retain full and complete management, design and development responsibilities for the Park;
11. NRCD shall consult with the City prior to adopting significant changes in the 1974 Master Plan or its operation of the Park which would have substantial impacts on lands adjacent to the Park or public facilities serving the Park or its adjacent lands.

(SEAL)

THE CITY OF RALEIGH

ATTEST:

  
Gail G. Smith  
City Clerk

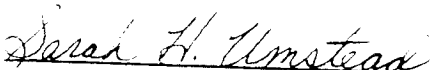
BY:   
Mayor Avery C. Upchurch

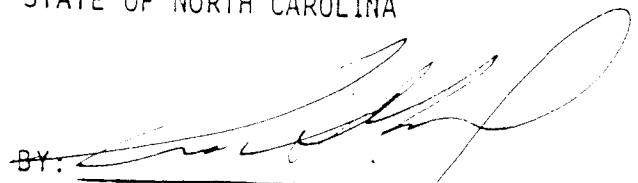
7-30-85  
Date

(SEAL)

STATE OF NORTH CAROLINA

ATTEST:



BY:   
Deputy Secretary Ernest A. Carl

7/23/85  
Date

WAKE COUNTY, NC 257  
LAURA M RIDDICK  
REGISTER OF DEEDS  
PRESENTED & RECORDED ON  
12/22/2004 AT 11:43:40  
STATE OF NORTH CAROLINA  
REAL ESTATE EXCISE TAX: \$10005  
BOOK:011155 PAGE:00891 - 00896

Rev. 10,005<sup>00</sup>  
Tax Lot No. \_\_\_\_\_ Parcel Identifier No. 43523, 25342, 2057, 159080, 115129  
Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
by \_\_\_\_\_

Mail after recording to: Grantee

This instrument was prepared by: Saxby M. Chaplin, Esq., State Counsel, The Trust for Public Land

Brief description for the index 96.20 Highway 70

**NORTH CAROLINA SPECIAL WARRANTY DEED**

THIS DEED made this 20<sup>th</sup> day of December, 2004, by and between

GRANTOR	GRANTEE
<b>THE TRUST FOR PUBLIC LAND,</b> a California nonprofit corporation	<b>STATE OF NORTH CAROLINA</b> Department of Environment and Natural Resources 1606 Mail Service Center Raleigh, NC 27699-1606

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity. e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Raleigh, Wake County, North Carolina and more particularly described as follows:

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.



BK011155PG00893

**Exhibit A**

BEING all of Lot 5 as shown on plat entitled "Recombination of the Property of Van Ellen Eure, et al, The Angus Barn, LTD. And The Angus Barn Properties, LLC" prepared by Newcomb Land Surveyors, LLC and recorded in Book of Maps 2004, Page 2368, Wake County Registry.

TOGETHER WITH, all right title and interest of Grantor in and to that certain thirty-foot wide management access easement conveyed to Grantor for the benefit of the subject property by deed recorded in book 1154 at page 1334 in the Wake County Public Registry.

BK011155PG00894

**Exhibit B**

Easement, restrictions and conditions of record.

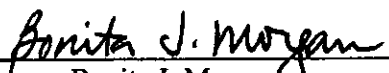
CERTIFIED COPY OF A RESOLUTION  
ADOPTED BY  
THE EXECUTIVE COMMITTEE OF THE BOARD OF DIRECTORS OF  
THE TRUST FOR PUBLIC LAND

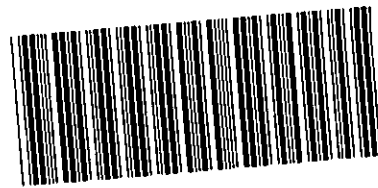
“RESOLVED, that the Executive Committee of the Board of Directors of The Trust for Public Land hereby authorizes (i) acquiring from Van Eure, et al, the ± 12.43 acres of real property known as the Lumley Road Tract, located in Wake County, North Carolina; and (ii) conveying said Tract to a private party.

“RESOLVED FURTHER, that the Chairman of the Board of Directors, the President, the Executive Vice President, any Senior Vice President, the Chief Financial Officer, any Vice President, any Regional Director, any Associate Regional Directors, any Staff Attorney (including, without limitation, the General Counsel, any Regional Counsel, any Associate Regional Counsel or any Assistant General Counsel), any State Director, and David Proper, Project Manager, and Chrisanne W. Mitchell, Senior Project Manager, are hereby authorized to execute any and all documents necessary or convenient to the completion of this transaction, including, without limitation, letters exercising option rights, agreements, deeds, mortgages, deeds of trust, promissory notes, customary closing documents, check endorsements, assurances and certifications, general provisions, applications, and payment requests. In those jurisdictions where two signatures are required, any two of the above-named officers and employees, or any one of them together with the Secretary or any Assistant Secretary, are authorized to execute such documents.”

I, Bonita J. Morgan, hereby certify that I am a duly elected and acting Assistant Secretary of The Trust for Public Land, a nonprofit corporation organized under the laws of the State of California and classified thereunder as a public benefit corporation. I further certify that the resolution set forth above was adopted in accordance with the Bylaws of The Trust for Public Land by the Executive Committee of the Board of Directors of The Trust for Public Land at a duly noticed regular meeting of said Executive Committee on December 14, 2004, and that said resolution has not been modified or rescinded.

Executed at San Francisco, California, this 14<sup>th</sup> day December 2004.

  
Bonita J. Morgan  
Assistant Secretary



BOOK:011155 PAGE:00891 - 00896

Yellow probate sheet is a vital part of your recorded document.  
Please retain with original document and submit for rerecording.



**Wake County Register of Deeds**  
**Laura M. Riddick**  
**Register of Deeds**

**North Carolina – Wake County**

The foregoing certificate \_\_\_ of Wilona Ann Pilkington

\_\_\_\_ Notary(ies) Public is (are) certified to be correct. This instrument and this certificate are duly registered at the date and time and in the book and page shown on the first page hereof.

Laura M. Riddick, Register of Deeds

By: George W. Riddick

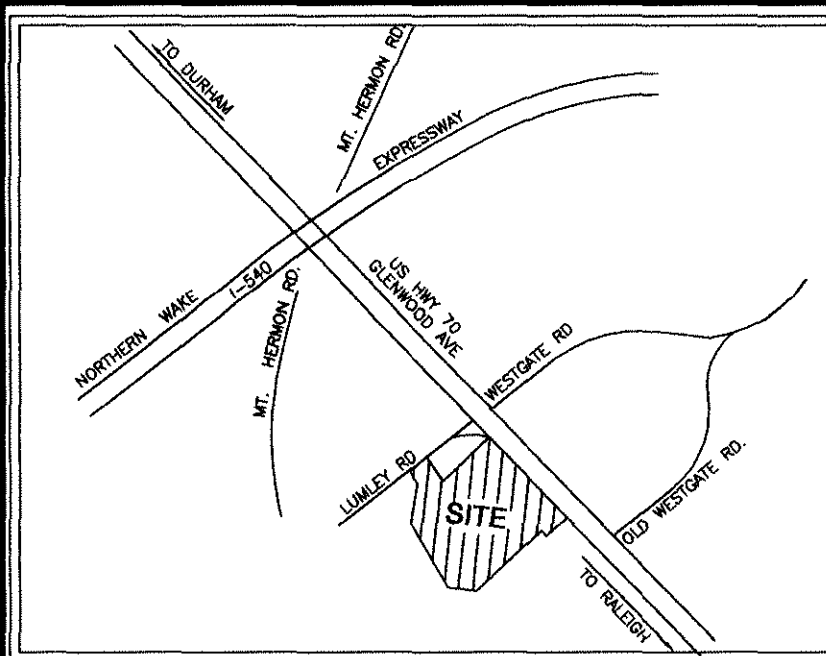
Deputy  
Assistant/Deputy Register of Deeds

**This Customer Group**

\_\_\_\_ # of Time Stamps Needed

**This Document**

\_\_\_\_ New Time Stamp  
6 # of Pages



**VICINITY MAP**  
NOT TO SCALE  
**REFERENCES:**

DB 1125 PAGE 344  
DB 1390 PAGE 68  
DB 1857 PAGE 377  
DB 2052 PAGE 919  
DB 3187 PAGE 64  
DB 3216 PAGE 934  
DB 3405 PAGE 965  
DB 3900 PAGE 354  
DB 3907 PAGE 722  
DB 4319 PAGE 767  
DB 4432 PAGE 849  
DB 4449 PAGE 266  
DB 4477 PAGE 897  
DB 4485 PAGE 644  
DB 4641 PAGE 779  
DB 5210 PAGE 261  
DB 5212 PAGE 611  
DB 5469 PAGE 154  
DB 6787 PAGE 307  
DB 7711 PAGE 266  
BOM 1946 PAGE 36  
BOM 1949 PAGE 77  
BOM 1973 PAGE 457  
BOM 1985 PAGES 2105-2107  
BOM 1987 PAGES 1255-1256  
BOM 1988 PAGES 803-805  
BOM 1988 PAGE 814  
BOM 1990 PAGE 483  
BOM 1997 PAGE 563  
BOM 1997 PAGE 1385  
BOM 1998 PAGE 1295  
NC DOT PROJECT 8.1401403  
CP&L RIGHT OF WAY MAP,  
DWG. NO. RW-A-6790,  
SHEETS 22 AND 23

**FLOOD PLAIN ORDINANCE**

☒ FEMA MAPPED AREA  
MAP NUMBER 370243-0120E  
☐ OTHER

APPROV. BY *[Signature]*

This certifies and warrants that the undersigned is (are) the sole owner(s) of the property shown on this map or plat and any accompanying sheets subject to the exceptions on record, having acquired the property in fee simple by deed(s) recorded in the office of the Register of Deeds of Wake County, North Carolina, or otherwise, as shown below and as such, has (have) the right to convey the property in fee simple, and that the dedicator(s) will warrant and defend the title against lawful claims of all persons whomsoever unless excepted herein and that by submission of this plat or map for approval I (we) do dedicate to the City of Raleigh for public use all streets, easements, rights of way, parks, and greenways (as these interests are defined in the City Code) and as the same may be shown thereon for all lawful purposes to which the City may devote or allow the same to be used and upon acceptance thereof in accordance with all City policies, ordinances, regulations or conditions of the City of Raleigh for the benefit of the public, said dedication shall be irrevocable; provided, any dedication of easements for storm drainage are not made to the City of Raleigh but are irrevocably made to the subsequent owners of any and all properties shown hereon for their use and benefit subject to conditions of subsections (b), (c), (d) and (f) of Section 1 and Section 4 of the "City Storm Drainage Policy" (Resolution 1970-742 as the same may be from time to time amended).

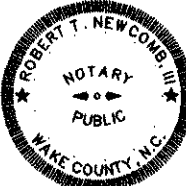
Book *BM2004* Page *02368*  
*[Signature]*  
Signature(s) of property owner(s)

NORTH CAROLINA

WAKE COUNTY

I, Robert T. Newcomb, III, a Notary Public of the County and State aforesaid, certify that William S. Patterson, Trustee, personally came before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this 12 day of December, 2004.

Notary Public *[Signature]*  
My commission expires: November 30, 2008.



STATE OF NORTH CAROLINA  
(UNSTEAD PARK)  
6825 GLENWOOD AVENUE  
0776.01-27-5726  
DB 2920, Pg 0878

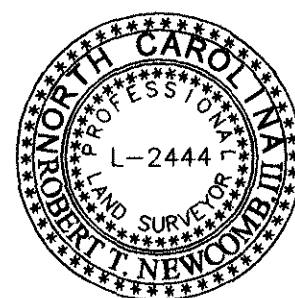
ANDERSON RALEIGH LIMITED PARTNERSHIP  
9101 GLENWOOD AVENUE  
0778.03-10-6383  
DB 8762, Pg 2255

ROBERT G. LYNCH  
9139 GLENWOOD AVENUE  
0778.03-10-2818  
DB 1857, Pg 436

WAKE COUNTY, NC 646  
LAURA M RIDDICK  
REGISTER OF DEEDS  
PRESENTED & RECORDED ON  
12/21/2004 AT 16:22:21

BOOK:BM2004 PAGE:02368

NCGS "OPTICAL 2"  
North Carolina State Plane Coordinates  
N(y)=780,670.37  
E(x)=2,072,278.72



THIS SURVEY IS OF ANOTHER CATEGORY. THIS SURVEY IS A RECOMBINATION OF EXISTING PARCELS.  
I, Robert T. Newcomb, III, certify that this plat was drawn under my supervision from an actual survey made under my supervision from references as noted on said plat, that the boundaries not surveyed are clearly indicated as drawn from information as indicated under references; that the ratio of precision as calculated is greater than 1:10,000; that this plat was prepared in accordance with NCGS 47-30 as amended.

Witness my original signature, registration number and seal this day of December, 2004.

Professional Land Surveyor (L-2444)

RECORDED IN BOOK 2004

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WAKE COUNTY REGISTRY

NEWCOMB land surveyors, Llc, 246 West Millbrook Road, Raleigh, NC 27609, (919) 847-1800, (919) 847-1804 (fax)

**LEGEND**

- EIP - EXISTING IRON PIPE
- IPS - IRON PIPE SET
- ADDRESS
- CONCRETE MONUMENT
- WATER VALVE
- SEWER MANHOLE
- POWER POLE
- ADJOINING LOT LINES
- OLD PROPERTY LINES
- NEW OR EXISTING PROPERTY LINE

**CURVE TABLE**

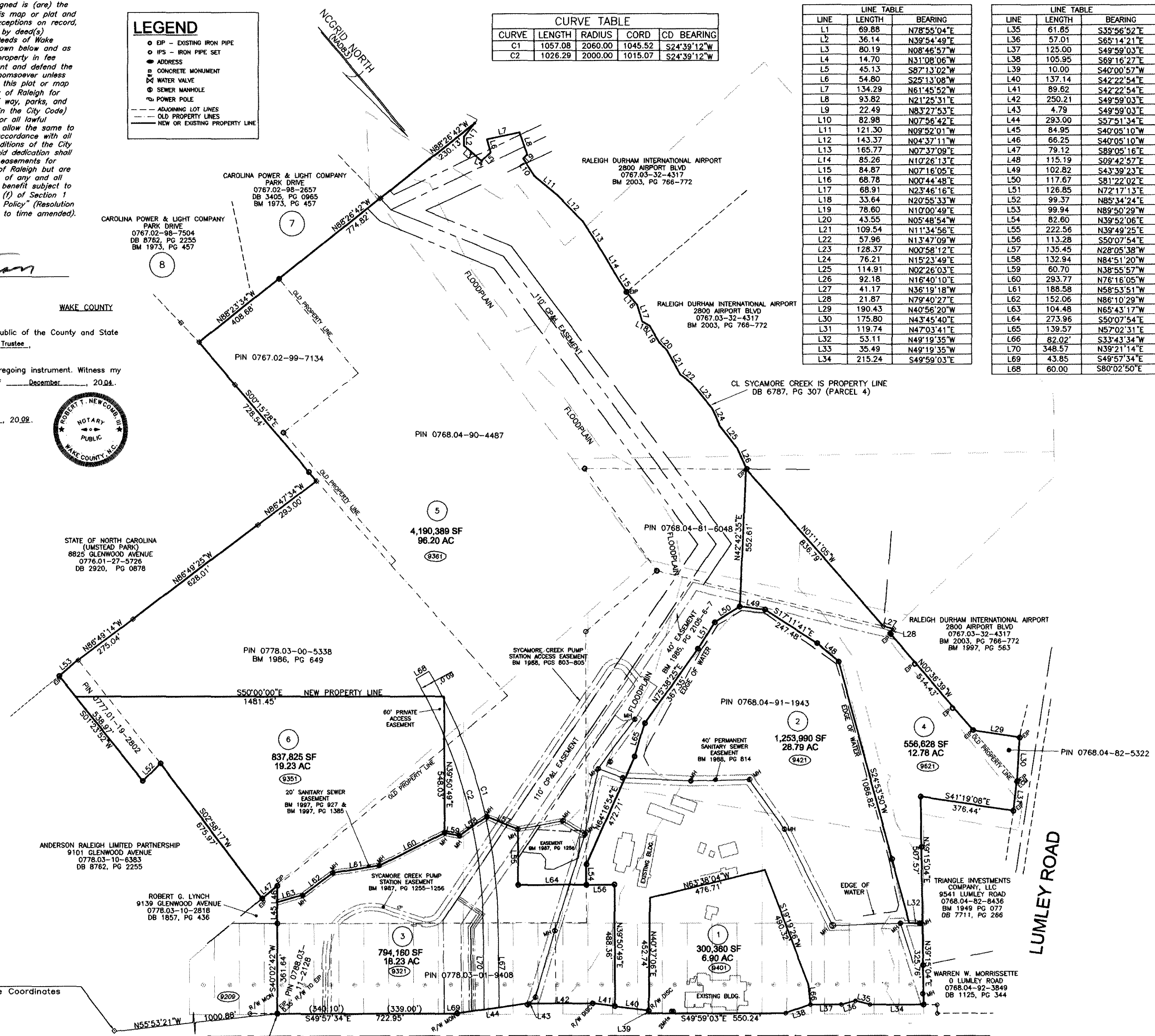
CURVE	LENGTH	RADIUS	CORD	CD BEARING
C1	1057.08	2060.00	1045.52	S24°39'12"W
C2	1026.29	2000.00	1015.07	S24°39'12"W

**LINE TABLE**

LINE	LENGTH	BEARING
L1	69.88	N78°55'04"E
L2	36.14	N39°54'49"E
L3	80.19	N08°46'57"W
L4	14.70	N31°08'06"W
L5	45.13	S87°13'02"W
L6	54.80	S25°13'08"W
L7	134.29	N61°45'52"W
L8	93.82	N21°25'31"E
L9	22.49	N83°27'53"E
L10	82.98	N07°56'42"E
L11	121.30	N09°52'01"W
L12	143.37	N04°37'11"W
L13	165.77	N07°37'08"E
L14	85.26	N10°26'13"E
L15	84.87	N07°16'05"E
L16	68.78	N00°44'48"E
L17	68.91	N23°46'16"E
L18	33.64	N20°55'33"W
L19	78.60	N10°00'49"E
L20	43.55	N05°48'54"W
L21	109.54	N11°34'56"E
L22	57.96	N13°47'09"W
L23	128.37	N00°58'12"E
L24	76.21	N15°23'49"E
L25	114.91	N02°26'03"E
L26	92.18	N16°40'10"E
L27	41.17	N36°19'18"W
L28	21.87	N79°40'27"E
L29	190.43	N40°56'20"W
L30	175.80	N43°45'40"E
L31	119.74	N47°03'41"E
L32	53.11	N49°19'35"W
L33	35.49	N49°19'35"W
L34	215.24	S49°59'03"E

**LINE TABLE**

LINE	LENGTH	BEARING
L35	61.85	S35°56'52"E
L36	57.01	S65°14'21"E
L37	125.00	S49°59'03"E
L38	105.95	S69°16'27"E
L39	10.00	S40°00'57"W
L40	137.14	S42°22'54"E
L41	89.62	S42°22'54"E
L42	250.21	S49°59'03"E
L43	4.79	S49°59'03"E
L44	293.00	S57°51'34"E
L45	84.95	S40°05'10"W
L46	66.25	S40°05'10"W
L47	79.12	S89°05'16"E
L48	115.19	S09°42'57"E
L49	102.82	S43°39'23"E
L50	117.67	S81°22'02"E
L51	126.85	N72°17'13"E
L52	99.37	N85°34'24"E
L53	99.94	N89°50'29"W
L54	82.60	N39°52'06"E
L55	222.56	N39°49'25"E
L56	113.28	S50°07'54"E
L57	135.45	N28°05'38"W
L58	132.94	N84°51'20"W
L59	60.70	N38°55'57"W
L60	293.77	N78°16'05"W
L61	188.58	N58°53'51"W
L62	152.06	N86°10'29"W
L63	104.48	N65°43'17"W
L64	273.96	S50°07'54"E
L65	139.57	N57°02'31"E
L66	82.02	S33°43'39"W
L70	348.57	N39°21'14"E
L69	43.85	S49°57'34"E
L68	60.00	S80°02'50"E



**GLENWOOD AVENUE (U.S. HIGHWAY 70)**

(PUBLIC R/W)

CONTROL CORNER  
North Carolina State Plane Coordinates  
N(y)=781,231.95  
E(x)=2,071,450.27  
(unadjusted) (ground distances)

A RECOMBINATION OF THE PROPERTY OF  
**VAN ELLEN EURE, ET AL, THE ANGUS BARN, LTD.**  
**AND THE ANGUS BARN PROPERTIES, LLC**  
CITY OF RALEIGH WAKE COUNTY NORTH CAROLINA

300 150 0 300 600

SCALE: 1"=300'

R-351-04

RA0235934

JOB NO.: 982410  
FILE NAME: RM-RECOMBO  
PLOT DATE: 12/20/04